

No. 97-6749-CFH      Title: Lorenzo Arteaga, Petitioner  
v.  
United States Court of Appeals for the Ninth Circuit  
and  
Docketed: Lorenzo Arteaga, Petitioner  
November 14, 1997      v.  
Pete Wilson, Governor of California, et al.  
  
Court: United States Court of Appeals for  
the Ninth Circuit

Entry	Date	Proceedings and Orders
Aug 25	1997	Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due December 14, 1997)
Aug 25	1997	Motion of petitioner for leave to proceed in forma pauperis filed.
Dec 3	1997	Supplemental brief of petitioner Lorenzo Arteaga filed.
Dec 19	1997	Reply brief of petitioner filed.
Dec 31	1997	DISTRIBUTED. January 16, 1998
Jan 20	1998	REDISTRIBUTED. January 23, 1998
Feb 17	1998	REDISTRIBUTED. February 20, 1998
Feb 23	1998	Motion of petitioner for leave to proceed in forma pauperis DENIED. Dissenting opinion by Justice Stevens. (Detached opinion.)

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY  
AT THE TIME OF FILMING. IF AND WHEN A  
BETTER COPY CAN BE OBTAINED, A NEW FICHE  
WILL BE ISSUED.

No. 97-6749

ORIGINAL

RELATED: 96-9513, 96-9113, 96-9329, 96-9309,  
96-8700, 96-9328,  
97-5677, 96-9196,  
96-9197,  
96-8141,  
96-8146,  
96-8288,  
96-8289

IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1996

IN RE:  
LORENZO ARTEAGA -PETITIONER

RECEIVED  
AUG 25 1997  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

VS.

PETE WILSON, DANIEL E. LUNDREN,  
CALIFORNIA, et al., et al. -RESPONDENT(S)

PETITION FOR A WRIT OF HABEAS CORPUS  
ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court, U.S.  
FILED  
AUG 25 1997  
OFFICE OF THE CLERK

RECEIVED  
NOV 14 1997  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

USCA9, USDC E CA, USDC N CA, et al.

PETITION FOR WRIT OF CERTIORARI

LORENZO ARTEAGA  
4001 KING AVENUE / P.O. BOX 8800  
124 ALDER STREET  
CORCORAN, CA 93212  
SOLEDAD, CA 93960  
(408) 678-5503; 678-5500

RECEIVED  
OCT - 6 1997  
OFFICE OF THE U.S. A  
SUPREME COURT, U.S.

17 PA

# QUESTION(S) PRESENTED

97-6749  
Ar feaga  
U.S.C.A. 9

WHAT REMEDY WILL AID IN THIS COURT'S APPELLATE JURISDICTION

WHERE AGGREGATE UNCONSTITUTIONAL STATE PROSECUTIONS AND "CONVICTIONS"

GARLOTTE v. FORDICE 115 Sct 1948, 115 Fed 2d 876, 878 (1995) WERE REINSTATED

MORE THAN TEN YEARS LATER WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION AFTER THEY HAD BEEN ADJUDICATED ON THE MERITS WITH PREJUDICE IN BOTH STATE AND FEDERAL COURTS IN USDC N CA NOS. C90-20326 RFP, C90-20257 RFP, C91-594 RFP, C91-583 RFP, C91-2524 RFP, C91-2534 RFP BUT WHEN THE SENIOR U.S. DISTRICT COURT NORTHERN CALIFORNIA JUDGE HON. ROBERT F. PECKHAM DECEASED C. FEBRUARY 1993 AND RESPONDENT SUPERIOR COURT OF SANTA CLARA COUNTY ELEVATED ANOTHER ONE OF THEIR COLLEAGUES TO THE USDC N CA SO THAT HE PROCEEDED TO "REMAND" THE UNCONSTITUTIONAL VINDICTIVELY REINSTATED STATE PROSECUTION BACK TO HIS COLLEAGUES IN RESPONDENT SUPERIOR COURT IN PROCEDURALLY OBSTRUCTED USDC N CA DOCKET NO. C93-20134 RMW BY ABUSING HIS NEW-FOUND AUTHORITY AND PURPORTING TO "REVERSE" THE RES JUDICATA JUDGMENTS OF THE NOW-DECEASED HON. PECKHAM AND THE USDC N CA AS WELL AS THE USCA9 HAVE SANCTIONED EXTREME ACTS AND CONTINUOUS COURSE AND CONDUCT CRIMES OF ATTEMPTED MURDER, AGGRAVATED ASSAULTS, AGGRAVATED BATTERY, STABBINGS, SHOOTINGS, SPOILS, SPOILATION UNDER COLOR OF AUTHORITY IN ORDER TO COVER-UP THE CONSPIRACY AND UNCONSTITUTIONAL ILLEGAL INITIAL ARRESTS, PROSECUTIONS AND EXTRA-JURISDICTIONAL REMAND ORDER FILED APRIL 1, 1993 IN BOTH THE USDC N CA AND IN THE STATE RESPONDENT SUPERIOR COURT NISI PRIUS RECORD ON DIRECT APPEAL TO THE CALIFORNIA COURT OF APPEAL NO. 6 (CAAD6), USDC N CA NO. C93-20134 RMW, CAAD6 NOS. H012729, H007751, H005397, H006074, H005398, H007583, H010095, H010082, H005774, H009739, ETC. SUPERIOR COURT NOS. 161396, 138120, 125303, 505627, 98982, 90982, H015777, 5045783, 5057852, U.S. Sct 96-9196, 96-9197, DETAINED IN UNITED STATES SUPREME COURT DOCKET NOS.: 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8288, 96-8141, 96-8146, 96-8289, 94-9212, 95-9260, 96-6804, 95-7417, 95-80113, ETC. SO THAT THE USDC N CA HAD NO HAS NO JURISDICTION TO REVIEW OR TAMPER WITH THE RES JUDICATA JUDGMENTS AT-ISSUE SINCE 1982, 1984, 1988, 1990, 1992 AND THE USDC N CA HAS SKIRTED THE ISSUE REGARDING LACK OF JURISDICTION BY DENYING INJUNCTIVE RELIEF, DECLARATORY RELIEF AND HABEAS CORPUS PETITIONS IT ALLOWED, CONDONED, DIRECTED OR AUTHORIZED TO BE PROCEDURALLY PREJUDICED AND OBSTRUCTED IN USDC N CA DOCKET NOS. C96-20026 RMW, C96-20935 RMW, C96-20969 RMW, C96-20877 RMW, C93-20134 RMW — BEGINNING WITH C93-20134 RMW, ETC. AL.

BASED UPON THE LATEST USCA9 ORDERS ENTERED IN THE UNCONSTITUTIONAL MISREPRESENTATION AND CORRUPTION AND DISTORTION OF THE PROCESS OF LAW ORDER STYLED "PRE-FILING REVIEW ORDER" USCA9 NO. 95-80113 FILED MAY 5, 1995 AND IMMEDIATELY FORWARDED TO THE USDC E CA AT SACRAMENTO WHERE THE SAME USCA9 ORDER WAS RE-FILED ON MAY 8, 1995 IN THE DISTRICT WHERE PETITIONER WAS HELD EFFECTIVELY SUSPENDING THE WRIT OF HABEAS CORPUS AND INITIAL CIVIL RIGHTS ACTIONS IN USDC E CA DOCKET NOS. 91:CV552, 92:CV027, CV:91-552, CV:92-27 WHICH HAD BEEN FILED AND PENDING BEFORE PETITIONER WAS AGAIN VINDICTIVELY RE-PROSECUTED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION BY THE USDC N CA REMAND ORDER NO. C93-20134 RMW WHICH UNCONSTITUTIONAL ORDERS HAVE EVADED REVIEW TO THE PRESENT TIME DOES RULE 10, 11, OR 20.4(a) RULES OF THE SUPREME COURT GOVERN PETITIONER'S "PETITION TO LIFT THE PRE-FILING REVIEW ORDER" AND HOW CAN PETITIONER LIFT SAID UNCONSTITUTIONAL ORDER WHICH HAS IRREPARABLY PREJUDICED PAST, PRESENT AND PENDING LITIGATION AND DIRECT APPEAL AND HABEAS CORPUS ACTIONS IN BOTH STATE AND FEDERAL COURTS IN VIOLATION OF PUBLIC LAW 100-352, §7, 102 STAT 662 (1988) AND OF THE LIBERTY INTERESTS AND BLACK LETTER LAW LEGISLATIVE INTENT EMBODIED IN CALIFORNIA PENAL CODE SECTIONS 805.5(c)(2), 3, 800-805, IN VIOLATION OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW AND REPUGNANT TO THE LAWS AND CONSTITUTION OF THE UNITED STATES AS EVIDENCED BY PENDING RELATED PETITIONS ON DIRECT APPEAL FROM STATE AND FEDERAL COURT NOS. 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8141, 96-8146, 96-8288, 96-8289, USCA9 NO. 95-80113, NOS. 96-16222, 96-16223, 95-15075, 95-15076, 95-15723, 95-15724, 95-15411, 94-80445, 91-80185, 91-16572, ETC. AL.

92-15341, 95-15411, 94-80445, 91-80185, 91-16572, ETC. AL.

DUE TO SUCH ABUSE OF AUTHORITY, LACK OF JURISDICTION, UNCONSTITUTIONAL SUSPENDING OF THE WRIT OF HABEAS CORPUS IN SPECIFIC VIOLATION OF ART. I, §9, clause 2, clause 3, ART. I, §10, ART. III, §2, ART. VI, §2 CAUSED BY USCA9 DOCKET NO. 95-80113 AND NO REMEDY PROVIDED SINCE MARCH 1994 AS EVIDENCED IN USCA9 DOCKET NOS. 96-16222, 96-16223 RE-NUMBERED OUT OF USCA9 NOS. 95-15075, 95-15076, 94-80445, 95-15723, 95-15724 OBSTRUCTED DIRECT APPEAL PROCEEDINGS, AND CONTINUING DELIBERATE UNCONSTITUTIONAL OBSTRUCTION AND TOTAL UNAVAILABILITY OF ANY REMEDY SINCE 1982, AND EVIDENTLY EXCEPTIONAL CIRCUMSTANCES LAST EVIDENCED IN USCA9 DOCKETS NOS. 95-80113 AND 96-16222, 96-16223 IS IT ANY WONDER WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT?

\*IN VIOLATION OF PETITIONER'S STATUTORY AND FEDERAL CONSTITUTIONAL RIGHT TO SELF REPRESENTATION GUARANTEED BY 28 USC §1651, AND 14th AND 15th AMENDMENTS, U.S. CONSTITUTION

## LIST OF PARTIES

ALL PARTIES DO NOT APPEAR ON THE COVER PAGE. A LIST OF PARTIES INCLUDES:

DANIEL E. LUNGREN  
PETE WILSON  
JAMES ROWLAND  
THOMAS MADDOCK  
LEWIS JONES  
GARY LINDSEY  
DON HILL  
CHARLES MARSHALL  
R.L. SNIDER  
R. BEEKMAN  
F. VASQUEZ  
ERNE CALDERON  
JAMES GOMEZ  
KAREN L. HUFFMAN  
JOSEPH BASSO  
G.E. HARRIS  
P. TINGEY  
P.H. CARRILLO  
DOE CHESTERMAN  
DOE GAGNON  
CHRISTOPHER C. COTTE  
J. DOE AGUANO  
J. DOE ELIAS  
J. DOE PANELLI  
J. DOE PREMO  
J. DOE MANOUKIAN  
J. DOE WUNDERLICH  
J. WARE  
RONALD M. WHYTE

AND DOES 1-100, INCLUSIVE  
ET SEQ., ETC. AL.



2





# REASONS FOR GRANTING THE WRIT

THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI SHOULD AND MUST BE GRANTED BECAUSE I, PETITIONER, AM AN INNOCENT PERSON FALSELY, VINDICTIVELY IMPRISONED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES, AND THERE IS NO OTHER ADEQUATE REMEDY OR ANY REMEDY TO GRANT OUR, RELEASE FROM WRONGFUL IMPRISONMENT AND/OR ALTERNATIVE RELEASE PENDING FURTHER APPEAL AS EVIDENCED BY THE "OPINIONS BELOW" AND APPENDICES HEREIN AND THE ORIGINAL OPINIONS FILED OR ALREADY LODGED WITH THIS HONORABLE COURT AND THE WHOLE HEREOF. See also PRAYER(S) TO RELATED PENDING PETITIONS ON DIRECT APPEAL. EXCEPTIONAL CIRCUMSTANCES.

INCREDIBLY ENOUGH, ON 10-26-97 USCA9 NO. 97-16705 WAS OBSTRUCTED SO ONLY ONE(1) ORIGINAL BRIEF WAS FILED BUT PROBABLY ONLY LODGED WITH THE COURT BECAUSE RESPONDENTS DELIBERATELY OBSTRUCTED SAID APPEAL DESPITE ACTUAL NOTICE OF TIME SCHEDULE ORDER FILED 9-15-97.

IN THIS MANNER CAUSING USCA9 NO. 92-15341 FILED JUNE 11, 1992 LOWER COURT NO. C91-2534 RFP TO BE FRAUDULENTLY DISMISSED FOR FAILURE TO PROSECUTE APPEAL EVEN THOUGH NONWILLFUL FAILURE BY PETITIONER, FRAP 47(a)(1), 47(a)(2), 47(b) et al. AND THIS OBSTRUCTION OF HABEAS CORPUS APPEAL BY SAME RECORDS' REMOVAL, SPOILUM, SPOILIATION IS NOT HARMLESS BEYOND A REASONABLE DOUBT. UNDER THE APPLICABLE STANDARDS OF REVIEW REVERSAL IS REQUIRED AND OUR CHAPMAN v. CALIFORNIA 17 LED 2d 705 (1967) AND REMAND REVIEW ORNELAS v. U.S. 116 S Ct 1657 (1996) 1st, 4th, 5th, 6th, 8th, 14th AMENDMENTS, USC,

# CONCLUSION

FOR THE FOREGOING REASONS THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI SHOULD AND MUST ISSUE; and FOR THE REASONS AND CONCLUSIONS AT RELATED PENDING PETITIONS - state and <sup>PR</sup>Federal ON DIRECT APPEAL EVIDENCING THAT THE LOWER COURT CONSTITUTIONAL VIOLATIONS WERE NOT HARMLESS BEYOND A REASONABLE DOUBT.\*

Respectfully submitted

DATED: AUGUST 17, 1997

Lorenz Arteaga  
LORENZO ARTEAGA, PRO SE

\* THE APPROPRIATE STANDARD OF REVIEW IS FOUND IN CHAPMAN v. CALIFORNIA 17 LED 2d 705 (1967); BOWIE v. COLUMBIA 12 LED 894 (1964) AND THE "CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED" CITATIONS, RE-ALLEGED AND INCORPORATED HEREIN IN FULL. 28 USC § 1654, 1st, 4th, 5th, 6th, 14th, AMENDMENTS, U.S. CONSTITUTION.

**FILED**

**AUG 28 1997**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**CATHY A. CATTENSON, CLERK  
U.S. COURT OF APPEALS**

In re: LORENZO ARTEAGA,

Respondent.

) No. 95-80113  
)  
)  
)  
)  
)  
)

ORDER

Before: SCHROEDER, FERNANDEZ and RYMER, Circuit Judges

This court has reviewed the application and motion for stay, the motion to vacate this court's July 17, 1997 order, the motion to recall the mandate, and related documents lodged August 4 and 5, 1997 pursuant to the pre-filing review order entered in this docket. Respondent's motions are denied.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

**PUBLISHER'S NOTE:**

ORIGINAL PAGINATION IS NOT CONTINUOUS.



NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUL 21 1997

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

LORENZO ARTEAGA,	)	No. 96-16222
	)	
Plaintiff-Appellant,	)	D.C. No. CV-94-03046-FMS
	)	
v.	)	
	)	
PETE WILSON, Governor; DANIEL E.	)	
LUNGREN, Attorney General,	)	
	)	
Defendants-Appellees.	)	
	)	
LORENZO ARTEAGA,	)	No. 96-16223
	)	
Plaintiff-Appellant,	)	D.C. No. CV-94-01575-FMS
	)	
v.	)	
	)	
CALIFORNIA DEPARTMENT OF	)	MEMORANDUM*
CORRECTIONS; JAMES H. GOMEZ;	)	
DANIEL VASQUEZ; A. HENRY, SGT.	)	
ARMBRIGHT; G. L. MILLER; C. GRACE;	)	
S. SMITH; B. OSENUEGRA;	)	
R. G. CLEVELAND; E. MONROE;	)	
J. NORMAN; SGT. VALDEZ R. BROWN,	)	
	)	
Defendants-Appellees.	)	

Appeal from the United States District Court  
for the Northern District of California  
Fern M. Smith, District Judge, Presiding

Submitted July 14, 1997\*\*

\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

Before: HUG, Chief Judge, KOZINSKI and LEAVY, Circuit Judges.

Lorenzo Arteaga, a California state prisoner, appeals pro se the district court's dismissal with prejudice of his 42 U.S.C. § 1983 action for failure to amend his complaints pursuant to the court's instructions. Dismissal is appropriate under Fed. R. Civ. P. 41(b) where a party fails to comply with a court's order to file an amended complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Here, the district court twice granted Arteaga the opportunity to amend his complaint, explained how his complaint was deficient, and warned that failure to amend would result in dismissal. We conclude that the district court did not err in dismissing Arteaga's action, see id.<sup>1/</sup>

AFFIRMED.

1/ Arteaga has filed numerous motions with this court. Those motions in which Arteaga requests this court to take judicial notice of various facts, pleadings and exhibits are denied. Arteaga's motions in which he seeks to consolidate his habeas petitions with this 1983 action are denied. Arteaga's motion that seeks habeas relief is denied as not appropriately raised in this 1983 action.

97-6749

COPIES MAILED TO  
PARTIES OF RECORD

**FILED**

MAY 13 1996

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS DIRECTOR JAMES GOMEZ,  
et al.,  
Defendant(s).

No. C 94-1575 FMS  
No. C 94-3046 FMS

JUDGMENT

22

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
GOVERNOR PETE WILSON, et al.,  
Defendant(s).

ENTERED IN CIVIL DOCKET

5/15/96

For the reasons stated in the accompanying order,  
these actions are dismissed with prejudice with filing the  
allegations in other unpaid complaints.

The Clerk of the Court shall close the files.

SO ORDERED.

DATED: May 10, 1996

*Fern M. Smith*  
FERN M. SMITH  
United States District Judge

United States District Court  
For the Northern District of California

97-6749

COPIES MAILED TO  
PARTIES OF RECORD

**FILED**

MAY 13 1996

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS DIRECTOR JAMES GOMEZ,  
et al.,  
Defendant(s).

No. C 94-1575 FMS  
No. C 94-3046 FMS

ORDER OF  
DISMISSAL

21

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
GOVERNOR PETE WILSON, et al.,  
Defendant(s).

ENTERED IN CIVIL DOCKET

5/15/96

Plaintiff, a prisoner proceeding pro se, filed  
two cases in the fall of 1994. The Court dismissed both  
complaints with leave to amend on October 17, 1994.  
Plaintiff improperly appealed the Court's orders to the  
Ninth Circuit, and the Court stayed the actions pending the  
Ninth Circuit's decision.

On January 31, 1996, after learning that  
plaintiff's appeals had been dismissed by the Ninth  
Circuit, this Court lifted the stay of these actions.  
Plaintiff was given until February 29, 1996 to file amended  
complaints. On March 6, 1996, plaintiff filed a motion to  
reimpose the stay of his federal cases because he was busy  
working on cases pending in state court. On March 7, 1996,

United States District Court  
For the Northern District of California

the Court denied the motion, but, sua sponte, granted plaintiff an extension until April 15, 1996 to file his amended complaints. Plaintiff has also filed a motion to recuse the Court, which the Court denied for lack of good cause. To date, plaintiff has failed to amend his complaints.

These actions have been pending, with no progress toward resolution, for an unusually long time. Plaintiff was forewarned that "failure to amend by [April 15, 1996], absent extraordinary circumstances, shall result in dismissal of plaintiff's cases by the Court." Plaintiff has failed to amend, and these actions are therefore DISMISSED with prejudice to filing the allegations in other unpaid complaints.

The Clerk of the Court shall close the files.

SO ORDERED.

DATED: May 10, 1996

*Fern M. Smith*  
FERN M. SMITH  
United States District Judge

United States District Court  
For the Northern District of California

United States District Court  
For the Northern District of California

FILED

MAR - 7 1996

RICHARD W. WIEKING  
CLERK, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,  
Plaintiff(s),  
vs.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS DIRECTOR JAMES GOMEZ,  
et al.,  
Defendant(s).  
  
LORENZO ARTEAGA  
v  
GOVERNMENT OF CALIFORNIA  
et al.,

No. C 94-1575 FMS

ORDER DENYING  
STAY OF CASES,  
DENYING REQUEST  
FOR SPECIAL  
LIBRARY  
PRIVILEGES,  
GRANTING  
EXTENSION TO FILE  
AMENDED  
COMPLAINTS

No. C 94-3046 FMS

The Court lifted the stays in the two above-captioned cases on January 30, 1996, after being notified that the Ninth Circuit had dismissed plaintiff's premature appeals. Plaintiff now requests the Court to re-issue stays in both his cases because he is busy working on several cases in state court. Plaintiff's time constraints due to unrelated litigation is not an appropriate reason to stay plaintiff's cases and plaintiff's request is DENIED.

Plaintiff asks, in the alternative, for the Court to order the prison to issue a "red privilege card" to plaintiff so he may have unlimited use of the prison library instead of the approximate two hours per day of use he currently is allowed. Plaintiff should be aware that the Court does not interfere with internal prison decisions

1715

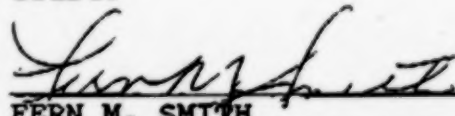
27 pages



1 unless a constitutional right is being violated. The  
2 Constitution does not guarantee a prisoner unlimited access  
3 to the law library. Lindquist v. Idaho State Bd. of  
4 Corrections, 776 F.2d 851, 858 (9th Cir. 1985). Prison  
5 officials of necessity must regulate the time, manner and  
6 place in which library facilities are used. Id.  
7 Plaintiff's request to the Court for a "red privilege card"  
8 is DENIED.

9  
10 The Court is sympathetic to the difficulties of  
11 proceeding pro se, however, and will grant plaintiff an  
12 extension of time in which to file his amended complaints.  
13 Plaintiff shall file a separate amended complaint in each  
14 case no later than April 15, 1996. Plaintiff shall use the  
15 appropriate case number and caption on each pleading. The  
16 Court is not inclined, however, to granted any further  
17 extensions of these cases. Plaintiff's cases have already  
18 been pending an unusually long time with no progress toward  
19 resolution. The Court dismissed plaintiff's cases with  
20 leave to amend on October 17, 1994 and plaintiff has yet to  
21 amend his complaints. Plaintiff is the party that  
22 initiated these actions and it is plaintiff's  
23 responsibility to prosecute these actions or voluntarily  
24 dismiss them. Failure to amend by the above date, absent  
25 extraordinary circumstances, shall result in dismissal of  
26 plaintiff's cases by the Court.  
27

28 SO ORDERED.  
DATED: March 7, 1996

  
FERN M. SMITH  
United States District Judge



LB 11

No. 97-6749

**ORIGINAL**

Supreme Court, U.S.  
FILED  
DEC 3 1997  
CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1996

IN RE:  
LORENZO ARTEAGA — PETITIONER

VS.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPPLEMENTAL TO  
PETITION FOR WRIT OF HABEAS CORPUS

LORENZO ARTEAGA

4001 KING AVENUE / E-66703  
P.O. BOX 8800

CORDORAN, CA 93212-8300

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY  
AT THE TIME OF FILMING. IF AND WHEN A  
BETTER COPY CAN BE OBTAINED, A NEW FICHE  
WILL BE ISSUED.

## QUESTION(S) PRESENTED

ARE THE FEDERAL STATUTORY AND FEDERAL CONSTITUTIONAL QUESTIONS AND ISSUES RAISED IN PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 9th Cir. 1993) NOW RIPE FOR REVIEW WHERE PETITIONER, UNLIKE PORTMAN, DOES HAVE STANDING ON DIRECT APPEAL AND DOES RAISE THE SAME ISSUES; INCLUDING DOCUMENTED CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE WITNESSES, TO DENY REASONABLE ACCESS TO THE COURTS OF THE UNITED STATES AND TOTAL LACK OF AVAILABLE REMEDY IN THIS CIRCUIT TO PROTECT CLEARLY ESTABLISHED CIVIL, STATUTORY AND CONSTITUTIONAL RIGHTS SINCE AT LEAST OCTOBER 18, 1988?

ARE THE FEDERAL CIRCUIT CONFLICTS PRESENTED BY PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993) NOW RIPE FOR RESOLUTION BY THE COURT?

IS PETITIONER ENTITLED TO HAVE THE JUNE 11, 1992 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER No. 92-15341, D.C.# CV-91-2534-RFP AND/OR PROCEEDING REINSTATED, TO GVR, TO RELEASE ON HIS OWN RECOGNIZANCE WHERE THE DISMISSAL FOR FAILURE TO PROSECUTE SAID APPEAL WAS DELIBERATELY CAUSED BY RESPONDENTS IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW?  
BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) (*en banc*)  
LOGAN v. ZIMMERMAN BRUSH CO., \_\_\_ U.S. \_\_\_, 71 LEd2d 265 (1982)

## LIST OF PARTIES

[ ]

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PETE WILSON  
DANIEL E. LUNDGREN  
J. CLIFFORD WALLACE  
PETER L. SHAW  
RONALD M. WHYTE  
JAMES WARE  
GREGORY H. WARD  
THOMAS MADDOCK

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION .....	<u>2</u>
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	<u>3</u>
STATEMENT OF THE CASE .....	<u>4</u>
REASONS FOR GRANTING THE WRIT .....	<u>11</u>
CONCLUSION .....	<u>15</u>

## INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

## IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

### PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

### OPINIONS BELOW

[✓] For cases from federal courts

The opinion of the United States Court of Appeals appears at Appendix A to the petition filed on MAY 20, 1997 and is unpublished, and at Appendix A to the petition filed on AUGUST 25, 1997, and placed on the docket NOVEMBER 14, 1997 as a petition for a writ of habeas corpus, and is unpublished; docketed as LORENZO ARTEAGA, Petitioner v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749.

Related opinions appear at Appendices to related petitions Nos. 96-9513 (5/20/97), 96-9113 (5/22/97), 97-5677 (8/11/97), Application No. A-314 (9/29/97), pending on reconsideration and rehearing, and are unpublished.

The most recent opinion of the United States Court of Appeals appears at Appendix A to the separately submitted petition for writ of certiorari dated November 23, 1997 which should bear a postmark of November 24, 1997 concerning the USCAG order and concurrent mandate filed November 19, 1997.



## JURISDICTION

✓ For cases from federal courts.

The date on which the United States Court of Appeals decided my case was  
NOVEMBER 19, 1997

RELATED BACK TO USCA9 CASE NUMBER ASSIGNED DOCKET # 95-80113 [1]  
FILED 3/22/95 BASED UPON APPELLATE COMMISSIONER PETER L. SHAW'S UNCONSTITUTIONAL  
SELF-STYLED OSC FILED 3/28/95 [2] WHICH ISSUED IMMEDIATELY IN VINDICTIVE  
RETALIATION FOR PETITIONER'S APPLICATION No. A-705 TO THIS HONORABLE  
SUPREME COURT ALLOWING PETITIONER'S FIRST-EVER PETITION FOR WRIT OF CERTIORARI  
FILED C. 2/21/95 DOCKETED AS U.S. SUPREME COURT No. 94-9212.

ALL FURTHER USCA9 PROCEEDINGS WERE IRREPARABLY TAINTED AND PREJUDICED  
AS FOUNDED UPON A DISTORTED AND CORRUPTED 3/28/95 OSC AND RESULTED IN  
THE FOLLOWING ADDITIONALLY (AND ADMITTEDLY) DISTORTED DECISIONS IN MY CASE:

Federal Rules of Appellate Procedure  
PRE-FILED REVIEW ORDER IN VIOLATION OF F.R.A.P. (FRAP) 47(a)(1), 47(a)(2),  
FILED 5/5/95 [5], VIOLATING ART. I, §9, cl. 2, cl. 3, 1st, 5th, 6th, AND 14th  
AMENDMENTS, U.S. CONSTITUTION, LANDGRAF v. USI FILM PRODUCTS, 511 U.S. 244,  
275, n. 29 (1994), LINDH v. MURPHY, 117 SCt 2059 (1997), BRETZ v. KELMAN, 773  
F2d 1026, 1035 (9th Cir. 1985) (en banc), AND ORDERS BASED THEREON:

6/29/95 [7], 7/20/95 [10], 9/22/95 [15], 9/22/95 [16],  
12/8/95 [18], 2/9/96 [22], 2/9/96 [23], 3/14/96 [26],  
7/12/96 [30], 1/9/97 [36], 2/21/97 [41], 4/24/97 [47],  
7/17/97 [59], 8/1/97 [60], 8/28/97 [65], 11/19/97 [ ]  
DOCKET ENTRIES AS OF SEPTEMBER 12, 1997 IN USCA9 No. 95-80113.

A SEPARATE PETITION HAS BEEN SUBMITTED AS TO THE 11/19/97 [ ] USCA9 ORDER  
AND MANDATE WHICH ISSUED INSTANTER AND CONTINUES TO UNCONSTITUTIONALLY  
IMPAIR AND PREJUDICE ALL PENDING PROCEEDINGS BEFORE THIS HONORABLE COURT.

FOR EXAMPLE: 4/24/97 [47], 2/21/97 [41], 7/17/97 [59] AND HABEAS  
CORPUS ORDER 8/1/97 [60] ALL IMPAIRED AND IRREPARABLY PREJUDICED U.S.  
SUPREME COURT PETITION No. 96-9513 PRECLUDING COMPLIANCE WITH THIS  
COURT'S SPECIFIC 10/6/97 ORDER(S) AND ACTUAL CONSTITUTIONAL INJURY  
FOR PETITIONER'S NON-WILLFUL FAILURE TO COMPLY ON 10/27/97 AND  
No. 97-5677 (DENIED 10/20/97) (HABEAS) AND No. 96-9113 FILED 5/22/97,  
DENIED 10/6/97, PETITIONS FOR REHEARING AND/OR RECONSIDERATION PENDING.

MOREOVER, USCA9 Nos. 96-16222 AND 96-16223, ARISING ON DIRECT  
APPEAL OUT OF USDC N CA Nos. CV-94-3046: LORENZO ARTEAGA v. PETE WILSON,  
AND CV-94-1575 FMS: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al., PRE-DATING UNCONSTITUTIONAL USCA9 DOCKET ENTRIES  
AND ORDERS Nos. 95-80113 AND USDC N CA No. CV-97-20665 RMW AND  
CV-97-2622 FMS ARE ACTUALLY THE SUBJECT OF APPLICATION No.  
A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA,  
DENIED 10/30/97 (RULE 22.4) AND A PETITION FOR REHEARING IS  
PENDING AS WELL AS THE SEPARATELY SUBMITTED PETITION FOR WRIT OF  
CERTIORARI (11/23/97), AND RELATED PETITIONS FOR REHEARING IN U.S.  
SUPREME COURT Nos. 96-9513, 97-5677, 96-9113, BASED ON 28 USC  
§1254(1) JURISDICTION AND SUPREME COURT Nos. 96-9196, 96-9197,  
96-9328, 96-9329, 96-9309 AND CASC No. 5059401 BASED ON  
28 USC § 1257(a) JURISDICTION: ALL IRREPARABLY IMPAIRED, OBSTRUCTED  
AND PREJUDICED AND NOW PENDING BEFORE THIS HONORABLE COURT  
ON DIRECT APPEAL AND FEDERAL AND STATE HABEAS CORPUS.

✓ THIS SUPPLEMENTAL BRIEF IS SUBMITTED UNDER RULES 15.8, 17, 18.10 AND/OR 25.5

✓ THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 USC §1254(1) AND/OR  
ORIGINAL JURISDICTION UNDER ART. III OF THE CONSTITUTION OF THE UNITED STATES.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

GARLOTTE v. FORDICE (1995) 115 SCt 1948, 115 LEd2d 870, 878  
UNITED STATES v. TAYLOR (1981) 648 F2d 565 (9th Cir.)  
PORTMAN v. COUNTY OF SANTA CLARA (1993) 995 F2d 898 (9th Cir.)  
BRETZ v. KELMAN (1985) 773 F2d 1026, 1035 (9th Cir.) (en banc)  
BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY (1973) 93 SCt 1123  
DOGGETT v. U.S. (1992) 505 U.S. 647, 651  
FRANKS v. DELAWARE (1978) 438 U.S. 154  
ORNELAS v. U.S. (1996) 116 SCt 1657  
DAVIS v. ALASKA (1974) 94 SCt 1105  
GRIFFIN v. ILLINOIS (1956) 76 SCt 585  
LOGAN v. ZIMMERMAN BRUSH CO. (1982) 71 LEd2d 265  
LANDGRAF v. USI FILM PRODUCTS (1994) 511 U.S. 244, 275, n. 29  
LINDH v. MURPHY (1997) 117 SCt 2059  
CLINE v. BRUSETT (1981) 661 F2d 108  
BODDIE v. CONNECTICUT (1971) 91 SCt 780  
BOVIE v. COLUMBIA (1964) 12 LEd2d 894  
WEAVER v. GRAHAM (1981) 101 SCt 960  
KYLES v. WHITLEY (1995) 115 SCt 1555  
MILLER v. PATE (1967) 17 LEd2d 690  
TOME v. U.S. (1995) \_\_\_ U.S. \_\_\_ SCt \_\_\_  
CHAPMAN v. CALIFORNIA (1967) 17 LEd2d 705  
U.S. v. MUNSING-WEAR (1950) 340 U.S. 36, 39  
ROW v. WADE (1973) 410 U.S. 113  
YATES v. EVATT (1991) 111 SCt 1884  
U.S. v. GAUDIN (1995) 115 SCt 2310  
U.S. v. BLOUNT (1994) 34 F3d 865 (9th Cir.)

PUB L 100-352, §7 102 Stat 662 (1988)  
28 USC §§ 1331, 1332, 1343, 1443, 1447, 1254(1), 1257(a), 2241-2254, 2255  
28 USC § 1654  
ART. I, §9, cl. 2, cl. 3, ART. I, §10; ART. III, ART. III, §2, ART. VI, §2,  
UNITED STATES CONSTITUTION  
1st, 4th, 5th, 6th, 8th, 9th, 13th AND 14th AMENDMENTS,  
UNITED STATES CONSTITUTION

2 J. WIGMORE, EVIDENCE §278

CALIFORNIA PENAL CODE SECTIONS: 3,  
804(a)-(d), 805.5(c)(2), 800  
1118, 1118.1, 1118.2, 995, 278, 278.5, 279, 279(c), 664,  
664-278, 664-278.5, 664-279, 664-279(c); 288(a), 288.5, 664-  
288(a), 664-288.5, 1203.066(a)(8) [(1990)]; 681, 689, 5011, 952,  
954, 955, 1004, 1009, 1165, 1188, 1185, 1017, 1538.5 [(1982)]

TITLE 18 USC §§ 1509, 1512, 1513, 1701, 1702, 1703; 241-242;  
42 USC §§ 1983, 1985(2), 1985(3), 1986



## STATEMENT OF THE CASE

THE FACTS OF MY CASE ARE STATED IN MY ORIGINAL HABEAS CORPUS PETITION FILED IN UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA DOCKET No. C-90-20326-RFP c. MAY 24, 1990 AND IN MY VERIFIED CONCURRENT CIVIL RIGHTS ACTION NUMBERED C-90-20257 c. JUNE 1990 WHICH ALLEGED AND SUBSTANTIATED A CONSPIRACY AND EXTENSION OF CONSPIRACY TO VIOLATE MY CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL RIGHTS UNDER COLOR OF AUTHORITY. THESE VERIFIED ALLEGATIONS WERE FURTHER DOCUMENTED IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA TIMELY DIVERSITY FEDERAL QUESTION REMOVAL ACTIONS I NEXT FILED TO TIMELY PRESERVE MY FEDERAL CONSTITUTIONAL RIGHTS AND LEGAL OBJECTIONS AS PROVIDED BY LAW.

THE USDC N CA DOCKETED THESE LATTER PROCEEDINGS IN MARCH-APRIL 1991 AS USDC N CA Nos. C-91-0583-RFP AND C-91-0594-RFP AND SAID ORIGINAL PLEADINGS ARE NOT MOOT AND FULLY STATE THE FACTS OF MY CASE AT THE TIME THAT THEY ARE OCCURRING AND SAID PLEADINGS ARE REALLEGED AND INCORPORATED HEREIN IN FULL FOR ALL PURPOSES.

AFTER I OVER-EXACTED AN UNCONSTITUTIONAL PRISON SENTENCE — MY FIRST EVER COMMITMENT TO PRISON FOR ALLEGEDLY VIOLATING AN EX PARTE UNNOTICED CIVIL COURT CUSTODY ORDER — I WAS AGAIN VINDICTIVELY REPROSECUTED BECAUSE THE STATE COURT CONVICTION WAS NOT FINAL AS MY DIRECT APPEAL WAS STILL PENDING OUT OF CALIFORNIA COURT OF APPEAL, SIXTH APPELLATE DISTRICT (CAAD6) No. H007751, SANTA CLARA COUNTY SUPERIOR COURT No. 138120 IN THE CALIFORNIA SUPREME COURT (CASC) No. S028858.

TO FORCE ME TO PROCEDURALLY DEFAULT ON MY FEDERAL STATUTORY (28 USC §1654) AND FEDERAL CONSTITUTIONAL RIGHT OF REDRESS (1st AMENDMENT), DUE PROCESS AND EQUAL PROTECTION OF THE LAW (5th AND 14th AMENDMENTS), THE PROSECUTION REMOVED ALL OF MY PENDING LEGAL RECORDS, TRANSCRIPTS AND DOCUMENTARY EVIDENCE AND PROCEEDED TO REINSTATE A TIME-BARRED RES JUDICATA CRIMINAL COMPLAINT IT HAD MALICIOUSLY FILED WITHOUT REASONABLE OR PROBABLE CAUSE (4th AMENDMENT) ON APRIL 27, 1984 IN SANTA CLARA COUNTY MUNICIPAL COURT DOCKET No. C-84-47195, LATER RE-NUMBERED SANTA CLARA COUNTY SUPERIOR COURT No. 125303. ORNELAS v. U.S. 116 SC+1657 (1996) STANDARDS OF CHAPMAN v. CALIFORNIA 17 LED2d 705 (1967) REVIEW.

WHEN I SOUGHT TO DEFEND MYSELF IN COURT UPON REINSTATED PROSECUTION FILED ON DECEMBER 4, 1992 IN SANTA CLARA COUNTY THE ORIGINAL COMPLAINT No. 125303 HAD BEEN RE-NUMBERED No. 161396, THE PEOPLE OF THE STATE OF CALIFORNIA vs. LORENZO ARTEAGA AND I WAS DELIBERATELY PREVENTED FROM FILING PETITIONS FOR WRIT OF CERTIORARI FROM 1990 TO FEBRUARY 21, 1995, INCLUDING FORCED DEFAULTS IN U.S. SUPREME COURT DOCKET Nos. A-594, A-794, A-21, A-22, A-23, et al., INCLUDING CERTIORARI ON DIRECT APPEAL FROM CASC No. S028858 REVIEW DENIED WITHOUT A PLAIN STATEMENT c. OCTOBER 28, 1992, ALL MALICIOUSLY THWARTED AND PRECLUDED BY RESPONDENTS' DELIBERATE LEGAL RECORDS' REMOVALS, CONVERSION, SPOLIUM AND SPOLIATION UNDER COLOR OF AUTHORITY. PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993) BRETZ v. KEILMAN 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc)

WHEN I REPORTED THE ABUSES TO THE FEDERAL COURT I FOUND THAT THE STATE TRIAL COURT JUDGE JAMES WARE WAS NOW IN OCTOBER 1990 APPOINTED TO THE SAME USDC N CA WHERE ALL OF MY LEGAL APPEALS WERE BEING HEARD AND WHEN I REPORTED THE CONTINUING ABUSES IN 1993 I FOUND THAT JUDGE ROBERT F. PECKHAM HAD DECEASED AND THAT RONALD M. WHYTE, ALSO STATE TRIAL COURT JUDGE OUT OF THE SAME

SANTA CLARA COUNTY SUPERIOR COURT (RESPONDENT) WAS REPLACING HIM AS FEDERAL JUDGE IN MY ORIGINAL CASES STILL ON DIRECT APPEAL BUT THE JUDGE ALLOWED RESPONDENTS TO KEEP ALL OF MY LEGAL RECORDS AND PENDING LOWER COURT ORDERS AWAY FROM ME, ESPECIALLY THE CASE No. S028858, CAAD6 No. H007751, SUPERIOR COURT No. 138120 ORDER DENYING MY DIRECT APPEAL WITHOUT A PLAIN STATEMENT TO PREVENT ME FROM PETITIONING THIS HONORABLE COURT FOR A PETITION FOR WRIT OF CERTIORARI AS PROVIDED BY RULES 13, 14, 10, 11, 20.4(a), 48, et al. RULES OF THE SUPREME COURT OF THE UNITED STATES. SO MY DIRECT APPEAL WAS DELIBERATELY FORECLOSED BY INTRINSIC AND EXTRINSIC FRAUD, MISDIRECTION, CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO VIOLATE MY CLEARLY ESTABLISHED RIGHT OF ACCESS TO THE COURT, DIRECT APPEAL, DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

THESE FACTS ARE MORE FULLY EXPOUNDED IN THE STATEMENT OF FACTS I TIMELY FILED AND BRIEFED IN THE USCA9 CIRCUIT Nos. 95-15075, USDC #94-CV-1575: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al. C. 2/21/95 AND USCA9 No. 95-15076, USDC #94-CV-3046: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, et al. C. 2/21/95: DISMISSED FOR ALLEGED LACK OF JURISDICTION, LATER ON 7/8/96 RENUMBERED USCA9 No. 96-16222: AND ARTEAGA v. CDC: No. 96-16223. ARTEAGA v. WILSON AND ARTEAGA v. CDC (CONSOLIDATED) DENIED 7/21/97, RHRG: DENIED ON 9/4/97; TOTAL RECORDS' REMOVAL TO DATE TO AGAIN FORCE PROCEDURAL AND SUBSTANTIVE DEFAULTS TO ALL PENDING LITIGATION ON DIRECT APPEAL. E.G.: APPLICATION No. A-314 DENIED 10/30/97. PETITION FOR REHEARING SUBMITTED WITH EXTRAORDINARY WRIT: PENDING: LORENZO ARTEAGA v. PETE WILSON GOVERNOR OF CALIFORNIA. JUDICIAL NOTICE REQUESTED.

ON MARCH 28, 1995 PETER L. SHAW, APPELLATE COMMISSIONER FOR THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (USCA9) ISSUED AN

ORDER TO SHOW CAUSE WHICH HAS DISTORTED AND CORRUPTED THE PROCESS OF LAW AT THE OUTSET. ALL OF MY LEGAL RECORDS AND COURT ORDERS AND CASE NUMBERS LISTED IN THE 3/28/95 OSC HAD BEEN AGAIN REMOVED VIOLENTLY BY RESPONDENTS WHO HAD ME LOCKED UP IN THE HOLE FOR 8 MONTHS WITHOUT RADIO, TV, NEWSPAPER OR LAW LIBRARY ACCESS FROM C. 12/6/94 TO 7/4/95. EVEN SO I DULY SUBMITTED A MOTION TO QUASH THE ORDER TO SHOW CAUSE WHICH SAID COMMISSIONER FRAUDULENTLY REFUSED TO FILE OR FILE STAMP, FILING ONLY MY MOTION TO DISQUALIFY HIM ON 4/10/95 [3-1].

THESE LATTER OVERT ACTS WERE IN FURTHERANCE OF THE CONSPIRACY TO VIOLATE MY CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL RIGHTS UNDER COLOR OF AUTHORITY AND SOUGHT TO DISTORT AND TO CORRUPT THE PROCESS OF LAW BY CONDONING, AUTHORIZING, PERMITTING OR DIRECTING RESPONDENT STATE/COUNTY OFFICIALS' DELIBERATE OBSTRUCTION AND INTERFERENCE WITH CONSTITUTIONAL AND FEDERAL STATUTORY RIGHT OF ACCESS TO THE COURTS OF THE UNITED STATES, IN GENERAL; AND MORE PARTICULARLY, INTENDED TO DISMISS MY PENDING DIRECT APPEALS IN USCA9 No. 95-15724, D.C. & CV-93-20240-RMW: LORENZO ARTEAGA v. QUASIM INHAM, DIRECTOR, SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS, et al., AND No. 95-15723, D.C. & CV-93-20745-RMW: LORENZO ARTEAGA vs. SANTA CLARA COUNTY, et al., WHICH DULY DOCUMENTED THE CONSPIRACY AND FURTHERANCE OF CONSPIRACY AT THE APRIL 1990 AND DECEMBER 4, 1992 STATE PROSECUTIONS UP TO THE FILING OF MY OPENING BRIEFS C. APRIL 18, 1995. PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993) BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) en banc

ON JULY 3, 1995 RESPONDENTS EFFECTED THE OBJECT OF THEIR ON-GOING CONSPIRACY BY FILING MANDATE IN THE USDC N CA NUMBERS C-93-20745-RMW AND C-93-20240-RMW. 18 USC §§ 1509, 1512, 1513, 241-242; 42 USC §§ 1983, 1985(2), 1985(3), 1986.



THE ALLEGED BASIS FOR DISMISSING MY FULLY BRIEFED APPEALS WAS THAT I HAD NOT DULY SUBMITTED MY MOTION FOR LEAVE TO PROCEED IFF AND IFF DECLARATION, WHEN IN FACT I HAD DULY AND TIMELY MAILED THE SAME AND FILED THE SAME PURSUANT TO HOUSTON v. LACK (1989) \_\_\_ U.S. \_\_\_. AND F.R.A.P. RULE 25(a)(C): HAVING DELIVERED THE SAME TO CORRECTIONAL OFFICERS LIVINGSTONE, MILLER, et al., AT PELICAN BAY STATE PRISON WHILE IN ADMINISTRATIVE SEGREGATION.

THE DAY AFTER MANDATE FILED, ON JULY 4 OR 5, 1995, PRISON OFFICIALS SHOT ME WITH PEPPER GAS WEAPONS AS I WAS ALONE IN MY CELL DOING MY LEGAL WORK PREPARING MY PETITION FOR WRIT OF CERTIORARI TO THIS HONORABLE COURT TO REINSTATE MY FRAUDULENTLY DISMISSED DIRECT APPEALS. ALL OF MY LEGAL RECORDS, EVIDENCE AND LOWER COURT ORDERS AND LEGAL MAIL WERE AGAIN TOTALLY REMOVED. I WOULD NOT RECEIVE ANY OF MY LEGAL RECORDS UNTIL SEPTEMBER OR OCTOBER 1995 TO HAVE PRECLUDED MY PETITION FOR WRIT OF CERTIORARI IN USCA9 Nos. 95-15075, 95-15076, 95-15723 AND 95-15724 BY SUCH OVERT ACTS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW. BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc). LOGAN v. ZIMMERMAN BRUSH CO. (1982) \_\_\_ U.S. \_\_\_. 71 LEd2d 265. 42 U.S.C. §§ 1983, 1985(2), 1985(3). 1986: 1st, 5th, 6th AND 14th AMENDMENTS, ART. III, ART. I, § 9, U.S. CONSTITUTION.

THROUGHOUT THESE CHAOTIC CIRCUMSTANCES I HAVE PROCEEDED AS COURT-APPOINTED ATTORNEY OF RECORD AT MY NISI PRIUS PROCEEDINGS IN SANTA CLARA COUNTY SUPERIOR COURT AND ON DIRECT APPEAL IN THE CALIFORNIA COURT OF APPEALS, SIXTH APPELLATE DISTRICT, CALIFORNIA SUPREME COURT AND UNITED STATES DISTRICT COURTS — NORTHERN AND EASTERN DISTRICTS OF CALIFORNIA, THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT AND THE SUPREME COURT OF THE UNITED STATES, 28 U.S.C. § 1654.

ON MAY 22, 1997 I WAS SET-UP BY STATE PRISON OFFICIALS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY DETAILED SINCE MAY 24, 1990 IN C-90-20326-RFP; TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS AND OBTAIN PROCEDURAL AND SUBSTANTIVE DEFAULTS. THESE OVERT ACTS ARE DOCUMENTED IN USDC NCA No. C-97-2622-FMS FILED 7/16/97 REASSIGNED TO C-97-20665 RMW AFTER USCA9 HAD DISMISSED MY APPEALS IN USCA9 Nos. 96-16222 AND 96-16223 ON 7/21/97, THE INSTANT SUBJECT OF U.S. SUPREME COURT DOCKET Nos. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA AND U.S. SUPREME COURT Nos. 96-9513, 96-9113, 97-5677 AND 97-6749. ALL PETITIONS PENDING AT THIS POINT IN TIME.

ON SUNDAY OCTOBER 26, 1997 I WAS ABLE TO FILE ONLY MY ORIGINAL APPELLANT'S/PETITIONER'S OPENING BRIEF OTHERWISE IN COMPLIANCE WITH THE USCA9 TIME SCHEDULE ORDER FILED 9/15/97 IN DOCKET No. 97-16705: LORENZO ARTEAGA, PLAINTIFF-APPELLANT vs. DANIEL E. LUNDGREN, et al., DEFENDANTS-APPELLEES, BUT I WAS NOT ALLOWED TO COMPLY WITH THE UNITED STATES SUPREME COURT ORDERS ENTERED ON OCTOBER 6, 1997 IN DOCKET No. 96-9513 FOR THE REASONS HEREINABOVE AND HEREIN STATED AND BRIEFED IN USCA9 No. 97-16705 AND IN PETITION(S) FOR RECONSIDERATION IN U.S. SCT Nos. 96-9513, 97-5677, 96-9113, 96-9196, 96-9197, 96-9328, 96-9329, 96-9309, et al.: WITH KNOWLEDGE AND CONTEMPT OF SAID U.S. COURT ORDERS, DEFENDANTS/RESPONDENTS DELIBERATELY REFUSED TO RETURN MY STATIONERY OR PROVIDE ME OTHER STATIONERY AND FALSIFIED ADMINISTRATIVE AND LEGAL RECORDS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO DENY ME ACCESS TO THE PRISON LAW LIBRARY TO DELIBERATELY OBSTRUCT, IMPEDE, HINDER, DELAY AND/OR KNOWINGLY AND WILLFULLY VIOLATE SAID USCA9 No. 97-16705 AND 96-9513, et al. U.S. COURT ORDERS. 18 USC § 1509, 1512, 1513, 1701-3, 241-242. 42 USC §§ 1986, 1985(2), 1985(3), 1983. PORTMAN v. SANTA CLARA 995F.2d 898.



REASONS FOR GRANTING THE PETITION

I HAD TO USE PAPER BAGS TO WRITE ON MY COPIES TO THIS COURT AND USCA9 AND OTHERS AS RESPONDENTS CONTINUED AND CONTINUE TO DELIBERATELY OBSTRUCT AND VIOLATE U.S. COURT ORDERS, INCLUDING THIS PETITION AND PROCEEDING AND LEGAL REDRESS. 18 USC §§ 1509, 1512, 1513, 241-242; 42 USC §§ 1986, 1985(2), 1985(3), 1983.

STATIONERY WAS ONLY ONCE REASONABLY PROVIDED: ON OCTOBER 31, 1997 I WAS ALLOWED TO OBTAIN SOME OF MY OWN STATIONERY BUT I WAS NOT ALLOWED TO ACCESS OR REVIEW ALL OF MY NECESSARY PENDING LEGAL RECORDS. EVEN SO, I DID DISCOVER THE FOLLOWING CRITICALLY CRUCIAL INFORMATION:

UNITED STATES COURT OF APPEALS **FILED**  
FOR THE NINTH CIRCUIT JUNE 11 1992

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

LORENZO ARTEAGA,  
PETITIONER-APPELLANT,

vs.

FRANK LESLIE HALL, DIRECTOR OF SANTA  
CLARA COUNTY DEPT. OF CORRECTIONS,  
RESPONDENT-APPELLEE.

No. 92-15341  
D.C.# CV-91-2534-RFP  
NORTHERN CALIFORNIA

**ORDER**

BEFORE: FLETCHER AND LEAVY, Circuit Judges

APPELLANT'S MOTION FOR A STAY OF THE APPELATE PROCEEDINGS PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

APPELLANT'S MOTION FOR BAIL PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

APPELLANT'S OPENING BRIEF AND EXCERPTS OF RECORD ARE DUE AUGUST 5, 1992; APPELLEE'S BRIEF IS DUE SEPTEMBER 4, 1992; THE REPLY BRIEF, IF ANY, IS DUE SEPTEMBER 18, 1992.

CR CAL 6/10/92 SP-B

THE ABOVE EXCERPT OF THE USCA9 ORDER FILED JUNE 11, 1992 No. 92-15341, D.C.# CV-91-2534-RFP NORTHERN CALIFORNIA WAS NOT DELIVERED TO OR RECEIVED BY ME UNTIL OCTOBER 31, 1997 DUE TO SAME DELIBERATE CONSPIRACY AND ON-GOING OVERT ACTS OF OBSTRUCTION AND RESPONDENTS REFUSED TO ALLOW ME TO RETAIN THE ORIGINAL COPY AND REFUSED AND CONTINUE TO REFUSE TO ALLOW ME TO REASONABLY ACCESS ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS NOW AT-ISSUE IN HABEAS CORPUS AND DIRECT APPEAL PROCEEDINGS USCA9 Nos. 96-16222, 96-16223, CV-94-1575FMS, CV-94-3046FMS, 96-9513, 97-5677, 97-6749, AND U.S. SCT No. A-314. et al.

ON OR ABOUT JUNE 11, 1992 - THE DATE THE USCA9 ORDER WAS FILED - PETE WILSON, GOVERNOR OF CALIFORNIA, DANIEL E. LUNDGREN, ATTORNEY GENERAL OF CALIFORNIA AND THEIR CALIFORNIA BOARD OF PRISON TERM APPOINTEE'S COMMISSIONER R. BEEKMAN, DEPUTY COMMISSIONERS ERNIE CALDERON (916) 322-6717, DOE VASQUEZ AND OTHER HIGH LEVEL OFFICIALS DELIBERATELY CAUSED ME TO BE INJECTED WITH AN OVERDOSE OF TUBERCULIN. THIS OVERT ACT WAS IN FURTHERANCE OF THEIR PRIOR OVERT ACT(S) OF HAVING SET ME UP IN THE HOLE AT SUSANVILLE STATE PRISON IN NOVEMBER 1991 TO DELIBERATELY OBSTRUCT U.S. SUPREME COURT ORDERS Nos. A-594, A-21, A-22, A-23, A-794, et al. AND SO HAVING MALICIOUSLY HOUSED ME WITH A GUY WHO HAD TUBERCULOSIS FOR 3-4 MONTHS UNTIL THEY AGAIN TRANSFERRED ME TO TEHACHAPI STATE PRISON ON FEBRUARY 28, 1992 WHEN THE HONORABLE JUSTICE SANDRA DAY O'CONNOR HAD GRANTED ME AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI TO MARCH 10, 1992 WHICH WAS SO DELIBERATELY OBSTRUCTED AND PRECLUDED BY RECORDS' REMOVALS.

THE TUBERCULIN INJECTION WAS INTENDED TO EFFECT THE SAME CONSPIRACY - SENDING ME TO BAKERSFIELD COUNTY HOSPITAL EMERGENCY FOR ALMOST A WEEK IN ORDER TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND USCA9 No. 92-15341 ORDER TO DELIBERATELY VIOLATE OR OBSTRUCT SAID U.S. COURT ORDERS BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW.

ON OR ABOUT JULY 11, 1992 PETE WILSON, DANIEL E. LUNDGREN, R. BEEKMAN, ERNIE CALDERON, DOE VASQUEZ AND OTHER HIGH LEVEL PRISON OFFICIALS OF THE LEGAL PROCESSING UNIT IN SACRAMENTO PLACED ONE OF THEIR VIOLENT PROGRAMMED INMATES IN MY CELL AT TEHACHAPI STATE PRISON TO BEAT ME UP AND FABRICATE A "CELL FIGHT" TO AGAIN REMOVE THE USCA9 No. 92-15341 COURT ORDER AND FALSELY LOCK ME UP IN THE HOLE TO



FORCE ME TO SIGN PAROLE PAPERS (AS I AM AGAIN TODAY SIMILARLY SET-UP IN THE HOLE AFTER BEING BEAT UP WHILE I WAS HANDCUFFED, AND LATER RECEIVING 15 STITCHES ON MY HEAD IN THE HOLE AT SALINAS VALLEY STATE PRISON BEFORE THEY TRANSFERRED ME TO THIS HOLE AT CORCORAN STATE PRISON) TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY. BRETZ v. KELMAN 773 F.2d 1026

ON AUGUST 5, 1992 I SIGNED PAROLE PAPERS WITHOUT KNOWLEDGE OF THE USCA9 No. 92-15341 COURT ORDER AND UNDER DURESS FOLLOWING AN UNCONSTITUTIONAL CALIFORNIA BOARD OF PRISON TERMS HEARING ORDERED BY PETE WILSON, DANIEL E. LUNDGREN, R. BEEKMAN, ERNIE CALDERON AND THEIR APPOINTED COMMISSIONERS AND DEPUTY COMMISSIONERS CONVENED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION OR AUTHORITY ON JULY 14, 1992 AT WHICH HEARING THE BPT ORDERED ME TO SIGN PAROLE PAPERS. WHEN I REFUSED TO SIGN BECAUSE, AS I TOLD THE BOARD OF PRISON TERMS, I HAD ALREADY FULLY EXACTED AND OVER-EXACTED MY COURT-ORDERED 2 YEAR, 4 MONTH PRISON SENTENCE BY 3 MONTHS AND WAS BEING DETAINED WITHOUT ANY COURT ORDER OR LEGAL CAUSE OR LEGAL PROCESS, THE BPT WHICH HAD NO JURISDICTION! AS I WAS NOT AND AM NOT A LIFER AND HAD NO ADMINISTRATIVE LAW ON THE MATTER PER DANIEL E. LUNDGREN AND THEIR LEGAL COUNSEL OPINION, NEVERTHELESS ORDERED ME RETAINED IN STATE PRISON FOR 6 MORE MONTHS AND TOLD ME THAT THEY COULD AND WOULD CONTINUE TO KEEP ME IN PRISON IN THE HOLE FOR FOUR (4) MORE YEARS WITHOUT ANY LEGAL COURT ORDER OR JUDICIAL PROCESS. THE WRITTEN RECORD OF THIS PROCEEDING WAS FILED IN CAAD6 No. H010082 (7-29-92) AND H010095 (8-6-92) AND THE SAME CAAD6 REFUSED TO TAKE JUDICIAL NOTICE OF SAID PROCEEDING ON DIRECT APPEAL No. H012729 (5/24/97) AND THE USCA9 ALSO REFUSED TO TAKE JUDICIAL NOTICE AT FOOTNOTE 1 FILED 7/21/97 IN USCA9 No.

96-16222 AND 96-16223 NOW AT-ISSUE IN THIS HONORABLE COURT IN APPLICATION No. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, et al., THE CALIFORNIA DEPARTMENT OF CORRECTIONS CHRONOLOGICAL HISTORY SHEET DATED 6-22-92 IS ATTACHED AS APPENDIX D<sup>1</sup>

ON AUGUST 6, 1992 I WAS SUPPOSEDLY PAROLED BUT IN CONSPIRACY AND EXTENSION OF CONSPIRACY RESPONDENTS HAD THEIR CHAIN CONSPIRATOR REDWOOD CITY/COUNTY SHERIFF AGENTS WAITING FOR ME IN THE R&R RECEIVING AND RELEASE BUILDING FOR AN ALLEGED 3-YEAR OLD TRAFFIC TICKET MATTER I HAD ALREADY ADJUDICATED PURSUANT TO CALIFORNIA PENAL CODE SECTION 1381. THIS OVERT ACT WAS INTENDED TO ALLOW RESPONDENTS TO RETAIN MY LEGAL RECORDS AND PENDING LOWER COURT ORDERS BY CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO VIOLATE MY RIGHT OF ACCESS TO THE COURTS AND DENY ME DUE PROCESS AND EQUAL PROTECTION OF THE LAW TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY.

ON SEPTEMBER 4, 1992 I WAS ENROLLED AND ATTENDING CLASSES FULL-TIME AT SAN JOSE STATE UNIVERSITY AND KNEW NOTHING OF THE JUNE 11, 1992 USCA9 No. 92-15341 COURT ORDER.

ON SEPTEMBER 18, 1992 MY PETITION FOR REVIEW IN MY DIRECT APPEAL CAAD6 No. H007751, SUPERIOR COURT OF SANTA CLARA No. 138120 WAS FILED IN THE CALIFORNIA SUPREME COURT CRYPTICALLY NUMBERED S028858: LORENZO ARTEAGA v. PETE WILSON, et al., CAAD6 Nos. H010082 (7-29-92) AND H010095 (8-6-92).

THE DISMISSAL FOR FAILURE TO PROSECUTE USCA9 No. 92-15341 HABEAS CORPUS PETITION WAS NOT CAUSED BY ME BUT BY RESPONDENTS PETE WILSON, DANIEL E. LUNDGREN, et al., IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY ALLEGED BY SHELDON PORTMAN FORMER PUBLIC DEFENDER OF SANTA CLARA COUNTY IN PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993).

<sup>1</sup> APPENDIX D TO THE SEPARATE PETITION FOR WRIT OF CERTIORARI AT WHICH APPENDIX A IS THE USCA9 No. 95-80113 ORDER FILED NOVEMBER 19, 1997, Q.V. JUDICIAL NOTICE REQUESTED. (MAILED NOVEMBER 23, 1997; SHOULD BE POST-MARKED NOVEMBER 24, 1997).

BUT UNLIKE PORTMAN, WHO THE NINTH CIRCUIT FOUND HAD NO STANDING TO RAISE THE LEGAL ISSUES HE BROUGHT ON BEHALF OF HIS CLIENTS OR FORMER CLIENTS, I AM RAISING THE EXACT SAME LEGAL ISSUES AND I DO HAVE STANDING AS I AM RAISING THESE SAME ISSUES AS A PRO SE DEFENDANT ON DIRECT APPEAL WHO WAS A FORMER CLIENT ON WHOSE BEHALF MR. PORTMAN BROUGHT HIS FEDERAL CONSTITUTIONAL CLAIMS. MOREOVER, UNLIKE PORTMAN v. COUNTY OF SANTA CLARA WHERE THE NINTH CIRCUIT FOUND THAT HIS CLAIMS WERE NOT "RIPE FOR REVIEW" MY SAME FEDERAL CONSTITUTIONAL CLAIMS ARE RIPE FOR REVIEW AND THE NINTH CIRCUIT, TENTH CIRCUIT, THIRD CIRCUIT AND FIRST CIRCUIT COURT OF APPEAL CONFLICTS LEFT UNRESOLVED SINCE 1993 SHOULD NOW BE RESOLVED IN THE INSTANT DIRECT APPEAL.

ON DECEMBER 4, 1992 AFTER RESPONDENTS' SANTA CLARA COUNTY, et al., FORCED ME TO DEFAULT ON USCA9 No. 92-15341 BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW BY DELIBERATELY CONSPIRING WITH STATE OFFICIALS TO WITHHOLD AND REMOVE ALL OF MY PENDING LEGAL RECORDS (AS CONTINUES TO THE PRESENT TIME) AND TO WITHHOLD MY LEGAL MAIL SINCE MY ALLEGED PAROLE RELEASE ON AUGUST 6, 1992, RESPONDENTS EFFECTED THE OBJECT OF THEIR CONSPIRACY BY RE-ARRESTING ME WITHOUT JUST OR LEGAL OR PROBABLE CAUSE AND THEY REINSTATED A DEFUNCT STATUTORILY AND CONSTITUTIONALLY TIME-BARRED CRIMINAL COMPLAINT THEY HAD MALICIOUSLY FILED WITHOUT REASONABLE CAUSE ON APRIL 27, 1984 IN SANTA CLARA COUNTY SUPERIOR COURT No. 125303, SANTA CLARA COUNTY MUNICIPAL COURT No. C-84-47195. ORNELAS v. U.S. 116 Sct 1657 (1996), CHAPMAN v. CALIFORNIA 17LED2d 705 (1967), BOVIE v. COLUMBIA 12 LED2d 894 (1964), MILLER v. PATE 17LED2d 690 (1967), BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 35 LED2d 443 (1973), DOGGETT v. U.S. 505 U.S. 647, 651 (1992), GARLOTTE v. FORDICE 115 Sct 1948 (1995).

THE LEGAL RECORD HAS BEEN DISTORTED AND CORRUPTED SINCE.

#### CONCLUSION

FOR THE FOREGOING EXCEPTIONAL REASONS THE PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED. ALTERNATIVELY, THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER AND/OR PROCEEDING NUMBERED 92-15341 ENTITLED LORENZO ARTEAGA, PETITIONER-APPELLANT vs. FRANK LESLIE HALL, DIRECTOR OF SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS, RESPONDENT-APPELLEE SHOULD BE REINSTATED AND PETITIONER SHOULD BE RELEASED ON HIS OWN RECOGNIZANCE PENDING SUCH FURTHER PROCEEDINGS AS THE COURT DEEMS JUST AND PROPER; TO RELEASE AN INNOCENT PERSON FROM UNCONSTITUTIONAL IMPRISONMENT.

RESPECTFULLY SUBMITTED,

Lorenzo Arteaga  
LORENZO ARTEAGA

DATE: NOVEMBER 23, 1997.



VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare under the penalty of perjury that:  
SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS

I am the PETITIONER in the attached ~~matter~~; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 30th day of NOVEMBER, 1997, at CORCORAN  
Valley State Prison, Soledad, CA 93960. 93212  
CORCORAN

Lorenzo Arteaga  
Declarant

\*\*\*\*\*

DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare: That I am a resident of Salinas  
Valley State Prison, Soledad, California; I am over the age of 18 years; I am PRO SE  
a party to the above entitled action; My address is P.O. Box 1030, Soledad, 9800, CORCORAN  
California 93960-1030; I served the attached document(s) entitled:  
93212  
SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS

on the persons/parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a ~~deposit box provided for at the Salinas Valley State Prison, Soledad, California, addressed as follows:~~  
HANDS OF STATE PRISON OFFICIALS IN ONLY MANNER PERMITTED, ADDRESSED AS FOLLOWS:

1. SETH P. WAXMAN  
SOLICITOR GENERAL OF THE U.S.  
ROOM 5614  
DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D. C. 20530-0001

DANIEL E. LUNDBREN  
ATTORNEY GENERAL  
P.O. BOX 944255  
SACRAMENTO, CA  
94244-2550

There is First Class mail delivery service by the United States Mail at the places so addressed and/or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 30th day of NOVEMBER, 1997, at Salinas Valley State Prison, Soledad, California 93960-1030. 93212.  
CORCORAN

Lorenzo Arteaga  
Declarant

97-6749  
ORIGINAL

Supreme Court, U.S.  
FILED  
DEC 3 1997

CLERK

RECEIVED

DEC 6 1997

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

LORENZO ARTEAGA — PETITIONER

VS

USCA9. et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9

FIRST SUPPLEMENTAL TO  
PETITION FOR WRIT OF HABEAS CORPUS  
(APPENDICES TO SUPPLEMENTAL)

LORENZO ARTEAGA

4001 KING AVENUE / E-66703  
P.O. BOX 8800

CORCORAN, CA 93212

## STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS SET FORTH IN THE SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS DATED NOVEMBER 30, 1997. SAID SUPPLEMENTAL WAS MAILED WITHOUT THE ATTACHED APPENDICES BECAUSE OF RESPONDENTS' LAST OVERT ACT OF DELIBERATELY WITHHOLDING THE ATTACHED APPENDICES UNTIL TONIGHT, DECEMBER 2ND 1997.

### INDEX TO APPENDICES

- APPENDIX A DECLARATION OF COMPLIANCE WITH COURT CLERK'S AUGUST 14, 1997 PURSUANT TO RULE 30.4 AND/OR RULE 29.2 U.S. SUPREME COURT (DATED 11-8-97)
- APPENDIX B PETITION FOR WRIT OF HABEAS CORPUS/CERTIORARI ON PETITION FOR A WRIT OF CERTIORARI TO CALIFORNIA COURT OF APPEALS FOR THE SIXTH APPELLATE DISTRICT (CAAD6) AND/OR SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA  
PETITION FOR WRIT OF CERTIORARI ORIGINALLY POSTMARKED JULY 16, 1997 AND RECEIVED AGAIN ON NOVEMBER 14, 1997, ENTITLED "ARTEAGA v. SUPERIOR CT. OF SANTA CLARA" PER COURT CLERK'S LETTER DATED NOVEMBER 17, 1997 NOT DELIVERED UNTIL DECEMBER 2, 1997 (ALTHOUGH POSTMARKED NOVEMBER 19, 1997) AND INCLUSIVE APPENDICES AND THE WHOLE THEREOF
- APPENDIX C CLERK'S NOVEMBER 17, 1997

# APPENDIX





DECLARATION OF COMPLIANCE WITH COURT CLERK'S AUGUST 14, 1997  
PURSUANT TO RULE 30.4 AND/OR RULE 29.2 U.S. SUPREME COURT

1. ON 8-15-97 RESPONDENTS WERE AWARE OF CLERK'S 8-14-97 LETTER TO ME ATTACHED AS APPENDIX C TO THE CORRECTED PETITION TIMELY RECEIVED ON OCTOBER 6, 1997 "WITHIN 60 DAYS OF THE DATE OF THIS LETTER" (CLERK'S 8-14-97);
2. ON 8-15-97 RESPONDENTS TRANSFERRED THE INMATE THEY HAD HOUSED IN <sup>MY</sup> CELL FOR 2 1/2 MONTHS AND IMMEDIATELY REPLACED HIM WITH AN EXTREMELY VIOLENT PROGRAMMED CONFIDENTIAL INFORMANT WHO ADMITTED TO ME THAT HIS MISSION ON BEHALF ~~OF~~ RESPONDENTS WAS TO PRECLUDE MY COMPLIANCE WITH THE 8-14-97 CLERK'S LETTER AND I IMMEDIATELY REQUESTED HE BE REMOVED VERBALLY AND BY ADMINISTRATIVE WRITTEN APPEAL;
3. ON 8-18-97 AS I WAS WORKING ON MY PETITION FOR WRIT OF CERTIORARI TO THIS COURT AND MY BACK WAS TURNED HANDWRITING SAID PETITION RESPONDENT'S INMATE AGENT SUDDENLY AND WITHOUT PROVOCATION BEGAN TO VIOLENTLY BEAT ME IN THE BACK OF THE HEAD WITH A DEADLY WEAPON IN THE FORM OF A CONCRETE-DURABLE "CUP" PROVIDED BY RESPONDENTS FOR SAID COLLATERAL PURPOSE;
4. ON 8-18-97 DR. LUCINE OF SALINAS VALLEY STATE PRISON PUT FIFTEEN (15) STITCHES ON THE TOP AND BACK OF MY HEAD AS HE COMMENTED ON THE EXCESSIVELY VIOLENT INJURIES HE HAD OBSERVED IN THE PAST AND IN MY CASE CAUSED BY SUCH DANGEROUS UNBREAKABLE CUPS AND FIVE (5) PHOTOGRAPHS OF MY INJURIES WERE TAKEN;
5. ON 8-19-97 I RECEIVED THE CLERK'S 8-14-97 LETTER AND REFERENCED PAPERS AS WELL AS THE PAPERS REFERENCED IN THE CLERK'S JUNE 11, 1997 LETTER WHICH HAD EQUALLY BEEN DELIBERATELY VIOLENTLY OBSTRUCTED BY TWO (2) PREVIOUS ATTEMPTED MURDERS/AGGRAVATED BATTERY INCIDENTS ON 5-24-97 AND 5-30-97; ORCHESTRATED BY RESPONDENTS UNDER COLOR OF AUTHORITY. (USCAG NO. 97-16705);

DECLARATION OF COMPLIANCE...

6. I DID NOT WANT RESPONDENTS TO SUCCEED IN FORCING ME TO DEFAULT ON THE 8-14-97 LETTER AS THEY HAD ON THE 6-11-97 LETTER AND REMOVE THE CASC NO. 5059401 AND CAAD6 NO. H016397 ORDERS FROM ME AGAIN AS THEY DID ON 5-24-97 SO I MAILED THE JUNE 11, 1997 PAPERS BACK ON THE SAME DAY I RECEIVED THE 8-14-97 LETTER HOPING THAT I WOULD STILL HAVE A COPY OF THE ORDERS AVAILABLE AS I KNEW MY LIFE WAS AGAIN IN DANGER AS RESPONDENTS HAVE STOPPED AT NOTHING TO PREVENT ME FROM FILING THIS PETITION ON DIRECT APPEAL AS IT REQUIRES REVERSAL AND/OR GVR OF MY UNCONSTITUTIONAL STATE COURT CONVICTIONS AND SENTENCES OBTAINED IN 1993-1994 AND THE SAME UNCONSTITUTIONAL CONVICTIONS AND SENTENCES OBTAINED IN JULY-AUGUST 1990 ALL ARISING OUT OF A CRIMINAL COMPLAINT FILED APRIL 27, 1984 BASED UPON AN AUGUST 31, 1982 EX PARTE CIVIL COURT TEMPORARY CUSTODY ORDER;
7. ON 9-12-97 I AGAIN SERVED A COPY OF THIS PETITION ON DEFENDANTS/RESPONDENTS ASSOCIATE WARDEN P. TINGEY AND PRISON LAW LIBRARIAN A. NAPPI FOR COPY SERVICE ADDRESSED TO DANIEL E. LUNDGREN, ATTORNEY GENERAL CALIFORNIA, 300 SO. SPRING ST., LOS ANGELES, CA 90013, PETE WILSON, GOVERNOR, STATE CAPITAL, SACRAMENTO, CA 95814, SUPER. CT. OF CA, 115 TERRAINE ST. SAN JOSE, CA 95113, et al.
8. ON 9-12-97 MY 42 USC §1983 ARTEAGA v. LUNDGREN NO CIV. S-97-17286 <sup>UNDER COLOR OF AUTHORITY</sup> ADDRESSING ABOVE-CITED VIOLENCE ~~WAS~~ FILED AND SERVED ON 10-13-97;
9. ON 9-15-97 I ~~WAS~~ -AS EXPECTED- TRANSFERRED ADVERSELY TO CORCORAN STATE PRISON AND THE 8-14-97 LETTER AND PETITION DELIBERATELY REMOVED; I COULD NOT MAIL THE ORIGINAL AS CORRECTED PER 8-14-97 LETTER UNTIL 9-28-97 BECAUSE RESPONDENTS KEPT ME IN "THE HOLE" WITHOUT STATIONERY OR ENVELOPES TO FORCE ME TO DEFAULT ON THE 8-14-97 ORDER;



10. ON 10-6-97 THIS COURT, THE U.S. SUPREME COURT, ISSUED AN ORDER IN LORENZO ARTEAGA V. CALIFORNIA NO. 96-9513 WHICH REQUIRED ME TO "SUBMIT A PETITION IN COMPLIANCE WITH RULES 33.1 OF THE RULES OF THIS COURT" BY 10-27-97 AND TO "SEE RULE 39.8." 38(a), et al. I COULD NOT COMPLY WITH THIS DIRECT ORDER OF COURT BECAUSE RESPONDENTS DANIEL E. LUNDGREN, PETE WILSON, AND THEIR CALIFORNIA DEPARTMENT OF CORRECTION, THOMAS MADDOCK, DIRECTOR, et al. DELIBERATELY PREJUDICED THIS PETITION IRREPARABLY: DOCKET NO. 96-9513 AS THEY ALSO IRREPARABLY PREJUDICED PENDING U.S. SUPREME COURT PROCEEDINGS DOCKET NOS. 96-9196, 96-9197, 96-9328, 96-9329, 96-9309, 96-9113, 97-5677 AND THE INSTANT PETITION PROCEEDING CASC NO. 5059401, CAAD6 NO. H016397, SUPER CT NO. 161396 BY THE OVERT ACTS DOCUMENTED AND SUBMITTED TO THIS HONORABLE COURT ON 10-15-97 IN A PETITION FOR REHEARING AND IN THE CORRECTED "PETITION FOR RECONSIDERATION" DATED/FILED 10-22-97 FIRST CLASS LEGAL MAIL POSTAGE PREPAID AND IN THE INCORPORATED DECLARATION AND DOCUMENTARY RECORDS SUBMITTED THEREWITH IN RESPONSE TO THIS COURT'S 10-6-97 ORDER ENTERED IN U.S. SCT NO. 96-9513 AND SAID PETITION FOR RECONSIDERATION, DECLARATION(S), DOCUMENTARY RECORDS AND OBSTRUCTED FILINGS ARE RECALLED AND INCORPORATED HEREIN IN FULL UPON MY OWN FIRST HAND PERSONAL KNOWLEDGE IN SUPPORT OF THIS DECLARATION THAT I DID COMPLY WITH THE CLERK'S AUGUST 14, 1997 LETTER AS THE CORRECTED COPY WAS RECEIVED ON OCTOBER 6, 1997;
11. ON 10-28-97 THE CLERK ISSUED TWO (2) SEPARATE <sup>LETTERS</sup> ~~PERMANENT~~ CASC NO. 5059401, CAAD6 NO. H016397; THE CORRECTED PETITION WAS RECEIVED ON 10-6-97 PURSUANT TO THE CLERK'S 8-14-97, THE RULE OF LAST IN TIME, RULE OF LENITY AND/OR THE CLERK'S 10-28-97 LETTER AND TOTALITY OF CIRCUMSTANCES PRESENTED HEREIN;
12. WHEN I MAILED THIS STILL-OBSTRUCTED PETITION FOR WRIT OF

- DETAINARI BACK TO THIS COURT ON "MAIL PICK" SUNDAY NIGHT 9-28-97 IT WAS DEPOSITED IN THE ONLY AVAILABLE MANILLA LEGAL ENVELOPE RESPONDENTS ALLOWED ME TO HAVE. I INCLUDED THREE SEPARATE PETITIONS WITH A COVER LETTER/NOTE DISTINGUISHING THE THREE SEPARATE PETITIONS AND SAID SEPARATE PETITIONS WERE SEALED IN SAID ENVELOPE MARKED FIRST CLASS LEGAL MAIL TOGETHER WITH THE INSTITUTION'S INTERNAL MAIL SYSTEM FIRST-CLASS POSTAGE PREPAID TRUST ACCOUNT WITHDRAWAL ORDER; CORRECTIONAL OFFICERS V. LOPEZ AND DOE I WITNESSED THE MAILING PURSUANT TO HOUSTON V. LACK (1989) U.S. \_\_\_\_\_, SCT \_\_\_\_\_, LED 2d \_\_\_\_\_;
13. I DID NOT INTEND THE <sup>PETITIONS</sup> ~~PETITION~~ TO BE CONSOLIDATED OR JOINED BUT FOR EACH TO BE SEPARATELY FILED AND SEPARATELY DOCKETED, AND HAD TO MAIL THEM AT ONCE AND IN THE SAME ENVELOPE BECAUSE FACILITY CAPTAIN LAMONACO, LT. T. MALLOY, LT. MCENROE, LT. MCKLESKY AND THEIR OFFICERS WERE THREATENING TO EITHER HOUSE ANOTHER OF THEIR PROGRAMMED VIOLENT INMATES IN MY CELL OR TRANSFER ME TO SEGREGATED HOUSING AND HOUSE ME WITH AN INMATE TO BE BEAT UP AND TO AGAIN REMOVE THESE LEGAL PETITIONS SO I WOULD NOT TIMELY FILE THEM; TO OBSTRUCT THIS PETITION BY INTRINSIC AND EXTRINSIC FRAUD, VIOLENCE, THREATS AND INTIMIDATION;
14. I BARELY HAD ENOUGH PAPER TO COMPLY WITH USCA9 TIME SCHEDULE ORDER NO. 97-16705, LORENZO ARTEAGA V. DANIEL E. LUNDGREN, et al. AND FILED OR LODGED ONLY ONE (1) ORIGINAL OPENING BRIEF ON SUNDAY 10-26-97 DUE MONDAY 10-27-97 BECAUSE RESPONDENTS WOULD NOT PROVIDE ME ACCESS TO MY LEGAL MATERIALS OR PROVIDE STATIONERY;
15. ON 10-31-97 AFTER PREJUDICING ALL MY PETITIONS RESPONDENTS PROVIDED ME WITH REASONABLE STATIONERY BUT NOT BEFORE ACTUAL INJURY/PREJUDICE;
16. ENCLOSED BY ITSELF IS THE TIMELY CORRECTED PETITION RECEIVED WITHIN 60 DAYS OF THE 8-14-97 LETTER ON 10-6-97 AND I REQUEST THE COURT TAKE JUDICIAL NOTICE OF USCA9 NO. 97-16705 AND U.S. SCT NOS. 96-9513, AND 97-5677. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT ON PERSONAL KNOWLEDGE. DATED: NOVEMBER 8, 1997.
- Lorenzo Arteaga  
LORENZO ARTEAGA

VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare under the penalty of perjury that:

I am the DECLARANT-PETITIONER in the attached matter; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 8th day of NOVEMBER, 1997, at Salinas  
Valley State Prison, Seledad, CA 93960. 93212  
CORCORAN

Lorenzo Arteaga  
Declarant

\*\*\*\*\*

DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare: That I am a resident of Salinas  
Valley State Prison, Seledad, California; I am over the age of 18 years; I am PRO SE  
a party to the above entitled action; My address is P.O. Box 1030, Seledad,  
California 93960-1030; I served the attached document(s) entitled:  
DECLARATION OF COMPLIANCE WITH COURT CLERK'S AUGUST  
14, 1997 PURSUANT TO RULE 30.4 AND OR RULE 29.2 U.S. SUPREME COURT  
93212 8800, CORCORAN

on the persons/parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a deposit box provided for at the Salinas Valley State Prison, Seledad, California, addressed as follows: PURSUANT TO HOUSTON V. LACK (1989) — U.S. — (AS RESPONDENTS REFUSE TO PROVIDE A MAIL BOX TO DELIBERATELY AND CAPRICIOUSLY CENSOR, TAMPER WITH, DELAY, READ AND/OR COPY LEGAL MAIL AND COURT FILINGS WITHOUT JUST OR SUFFICIENT OR ANY LEGAL CAUSE THEREFOR) ADDRESSED AS FOLLOWS:

DANIEL E. LUNDGREN  
ATTORNEY GENERAL  
50 FREMONT ST.  
SAN FRANCISCO, CA 94105

There is First Class mail delivery service by the United States Mail at the places so addressed and/or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 8th day of NOVEMBER, 1997, at Salinas Valley State Prison, Seledad, California 93960-1030.  
CORCORAN 93212 Lorenzo Arteaga

Declarant

APPENDIX

B



Related: 96-9513, 96-9113, 96-9329

96-9309, 96-8700

96-9328

96-9196

96-9197

96-8141

96-8146

96-8288

96-8289

97-5677

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE:

LORENZO ARTEAGA - PETITIONER

VS.

SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA

~~et al.~~ et al. - RESPONDENT(S)

PETITION FOR WRIT OF HABEAS CORPUS/CERTIORARI

ON PETITION FOR A WRIT OF CERTIORARI TO

CALIFORNIA COURT OF APPEALS FOR THE SIXTH APPELLATE DISTRICT (CAAD6) AND/OR  
SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA

PETITION FOR A WRIT OF CERTIORARI

LORENZO ARTEAGA

4001 KING AVENUE/P.O. BOX 8800  
124 ALDER STREET

CORCORAN, CA 93212  
SOLEDAD, CA 93960

(408) 678-5503; 678-5500

RECEIVED

AUG 22 1997

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## QUESTION(S) PRESENTED

WHAT REMEDY WILL AID IN THIS COURT'S APPELLATE JURISDICTION WHERE AGGREGATE UNCONSTITUTIONAL STATE PROSECUTIONS AND "CONVICTIONS" GARLOTTE v. FORDICE 115 SCt 1948, 115 LEd2d 876, 878 (1995) WERE REINSTATED

MORE THAN TEN YEARS LATER WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION AFTER THEY HAD BEEN ADJUDICATED ON THE MERITS WITH PREJUDICE IN BOTH STATE AND FEDERAL COURTS IN USDC N CA NOS. C-90-20326 RFP, C-90-20327 RFP, C-91-544 RFP, C-91-583 RFP, C-91-2524 RFP, C-91-2534 RFP BUT WHEN THE SENIOR U.S. DISTRICT COURT NORTHERN CALIFORNIA JUDGE HON. ROBERT F. PECKHAM DECEASED C. FEBRUARY 1993 AND RESPONDENT SUPERIOR COURT OF SANTA CLARA COUNTY ELEVATED ANOTHER ONE OF THEIR COLLEAGUES TO THE USDC N CA SO THAT HE PROCEEDED TO "REMAND" THE UNCONSTITUTIONAL VINDICTIVELY REINSTATED STATE PROSECUTION BACK TO HIS COLLEAGUES IN RESPONDENT SUPERIOR COURT IN PROCEDURALLY OBSTRUCTED USDC N CA DOCKET NO. C-93-20134 RMW BY ABUSING HIS NEW-FOUND AUTHORITY AND REPORTING TO "REVERSE" THE RES JUDICATA JUDGMENTS OF THE NOW-DECEASED HON. ROBERT F. PECKHAM AND THE USDC N CA AS WELL AS THE USCA9 HAVE SANCTIONED EXTREME ACTS AND CONTINUOUS COURSE AND CONDUCT CRIMES OF ATTEMPTED MURDER, AGGRAVATED ASSAULTS, AGGRAVATED BATTERY, STABBINGS, SHOOTINGS, SPOLIATION UNDER COLOR OF AUTHORITY IN ORDER TO COVER-UP THE CONSPIRACY AND UNCONSTITUTIONAL ILLEGAL INITIAL ARRESTS, PROSECUTIONS AND EXTRA-JURISDICTIONAL REMAND ORDER FILED APRIL 1, 1993 IN BOTH THE USDC N CA AND IN THE STATE RESPONDENT SUPERIOR COURT NISI PRIUS RECORD ON DIRECT APPEAL TO THE CALIFORNIA COURT OF APPEAL NO. 6 (CAAD6), USDC N CA No. C-93-20134 RMW (CAAD6 Nos. H012729, H007751, H005387, H006074, H005398, H007583, H010095, H010082, H005774, H007739, et al. SUPERIOR COURT Nos. 161396, 138120, 125303, 505627, 98982, J098982, H015977, 5045783, 5057852; U.S. SCt. Nos. 96-9196, 96-9197, DETAILED IN U.S. SUPREME COURT DOCKET NOS. (NOW PENDING): 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8288, 96-8141, 96-8146, 96-8289, 94-9212, 95-9260, 96-6804, 95-7417, 95-80113, et al. SO THAT THE USDC N CA HAD AND HAS NO JURISDICTION TO REVIEW OR TAMPER WITH THE RES JUDICATA JUDGMENTS AT ISSUE SINCE 1982, 1984, 1988, 1990, 1992 AND THE USDC N CA HAS SKIRTED THE ISSUE REGARDING LACK OF JURISDICTION BY DENYING INJUNCTIVE RELIEF, DECLARATORY RELIEF AND TIMELY HABEAS CORPUS PETITIONS IT ALLOWED, CONDONED, DIRECTED OR AUTHORIZED TO BE PROCEDURALLY PREJUDICED AND OBSTRUCTED IN USDC N CA DOCKET NOS. C-96-20026 RMW, C-96-20935 RMW, C-96-20969 RMW, C-96-20877 RMW, C-93-20134 RMW - BEGINNING WITH C-93-20134 RMW, et seq., et al., C-93-20134 RMW.

BASED UPON THE LATEST USCA9 ORDERS ENTERED IN THE UNCONSTITUTIONAL MISREPRESENTATION AND CORRUPTION AND DISTORTION OF THE PROCESS OF LAW ORDER STILED "PRE-FILING REVIEW ORDER" USCA9 No. 95-80113 FILED MAY 5, 1995 AND IMMEDIATELY FORWARDED TO THE USDC E CA AT SACRAMENTO WHERE THE SAME USCA9 ORDER WAS REFILED ON MAY 8, 1995 IN THE DISTRICT WHERE PETITIONER WAS THEN HELD EFFECTIVELY SUSPENDING THE WRIT OF HABEAS CORPUS AND INITIAL CIVIL RIGHTS ACTIONS IN USDC E CA DOCKET AND NOS. 91:CV552, 92:CV027, CV-91-552, CV-92-027 WHICH HAD BEEN FILED AND PENDING BEFORE PETITIONER WAS AGAIN VINDICTIVELY RE-PROSECUTED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION BY THE USDC N CA REMAND ORDER No. C-93-20134 RMW WHICH UNCONSTITUTIONAL ORDERS HAVE DELIBERATELY EVADED U.S. CONSTITUTION ARTICLE III FEDERAL QUESTION AND DIVERSITY REVIEW TO THE PRESENT TIME DOES RULE 10, 11, OR 20.4(a) RULES OF THE SUPREME COURT GOVERN PETITIONER'S "PETITION TO LIFT THE PRE-FILING REVIEW ORDER" AND HOW CAN PETITIONER LIFT SAID UNCONSTITUTIONAL ORDER WHICH HAS IRREPARABLY PREJUDICED PAST, PRESENT AND PENDING LITIGATION AND DIRECT APPEAL AND HABEAS CORPUS ACTIONS IN BOTH STATE AND FEDERAL COURTS IN VIOLATION OF PUBLIC LAW 100-352, §7, 102 Stat 662 (1988) AND OF THE LIBERTY INTERESTS AND BLACK LETTER LAW LEGISLATIVE INTENT EMBODIED IN CALIFORNIA PENAL CODE SECTIONS 805.5(c)(2), 3, 800-805, IN VIOLATION OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW AND REPUGNANT TO THE LAWS AND CONSTITUTION OF THE UNITED STATES AS EVIDENCED BY PENDING RELATED PETITIONS ON DIRECT APPEAL FROM STATE AND FEDERAL COURT NOS. 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9326, 96-9196, 96-9197, 96-8141, 96-8146, 96-8288, 96-8289, USCA9 Nos. 95-80113, 96-16222, 96-16223, 95-15075, 95-15076, 95-15723, 97-16705, 95-15724, 95-15411, 94-80445, 91-80185, 91-16572, et al.?

DUE TO SUCH ABUSE OF AUTHORITY, ABUSE OF PROCESS, LACK OF JURISDICTION, UNCONSTITUTIONAL SUSPENDING OF THE WRIT OF HABEAS CORPUS IN SPECIFIC VIOLATION OF ART. I, §9, clause 2, clause 3, ART. I, §10, ART. III, ART. III, §2, ART. III, §2 CAUSED BY USCA9 DOCKET No. 95-80113 AND NO REMEDY PROVIDED SINCE MARCH 1994 AS EVIDENCED IN USCA9 DOCKET NOS. 96-16222, 96-16223 RE-NUMBERED OUT OF USCA9 NOS. 95-15075, 95-15076, 94-80445, 95-15723, 95-15724 CTD FRAUDULENTLY EVADE APPLICABLE CONSTITUTIONAL LAW AND ARTICLE III JURISDICTION'S OBSTRUCTED DIRECT APPEAL PROCEEDINGS AND CONTINUING DELIBERATE UNCONSTITUTIONAL OBSTRUCTION AND TOTAL UNAVAILABILITY OF ANY REMEDY SINCE 1982, AND EVIDENTLY EXCEPTIONAL CIRCUMSTANCES LAST EVIDENCED IN USCA9 DOCKET NOS. 95-80113 AND 96-16222, 96-16223 IS IT ANY WONDER WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT?

\* ALSO IN VIOLATION OF PETITIONER'S FEDERAL STATUTORY AND CONSTITUTIONAL RIGHT TO ACCESS THE COURTS, REDRESS GRIEVANCES, PROCEED PRO SE UNDER 28 USC §1654 AND 1ST, 4TH AND 14TH AMENDMENTS, U.S. CONSTITUTION.

1. SEE USCA9 NO. 97-16705, LORENZO ARTEAGA v. DANIEL E. LUNDGREN AND MOTION TO RECONSIDER/VACATE

# LIST OF PARTIES )

[X] ALL PARTIES DO NOT APPEAR ON COVER PAGE AND INCLUDE:

1. DANIEL E. LUNDGREN
2. PETE WILSON
3. THOMAS MADDOCK
4. LEWIS JONES
5. GARY LINDSEY WARDEN SUSP
6. JOSEPH BASSO
7. P. TINGEY
8. G. E. HARRIS
9. P. H. CARROLL  
AND SUCCESSORS/SUBORDINATES/CUSTODIANS
10. GEORGE M. GALAZA WARDEN CSP CORCORAN

~~APPENDIX~~

## TABLE OF CONTENTS

OPINIONS BELOW . . . . .	1
JURISDICTION . . . . .	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED . . . . .	3
STATEMENT OF THE CASE . . . . .	4
REASONS FOR GRANTING THE WRIT . . . . .	5
CONCLUSION . . . . .	5

## INDEX TO APPENDICES

APPENDIX A	CASC No. 5059401 FILED 4-16-97 CAAD6 No. H016397
APPENDIX B	CAAD6 No. <sup>H016397</sup> <del>H016397</del> FILED 2-20-97 SUPER. CT. No. 161396
APPENDIX C	U.S. SCT CLERKS LETTERS/ORDERS DATED C. JULY AND AUGUST 14, 1997 RE: ARTEAGA V. SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA (NOT INCLUDED) Fed. R. EVIDENCE, RULE 201, et seq.
APPENDIX D	SEPARATELY SUBMITTED PETITION DATED CIRCA AUGUST 18, 1997 (DELIBERATELY WITHHELD/OBSTRUCTED BY RESPONDENTS) IS INCORPORATED HEREIN IN FULL PURSUANT TO RULES 12.4 AND 20.4(C), RULES OF THE SUPREME COURT AND/OR JUDICIAL NOTICE IS REQUESTED.
APPENDIX E	SEE RELATED/IDENTICAL CONCURRENT PENDING PETITIONS ON DIRECT APPEAL AND/OR HABEAS CORPUS INCORPORATED IN FULL AND/OR JUDICIAL NOTICE REQUESTED. RULE 12.4, 20.4(C), RULES SUPREME COURT, R. 44, 48.
APPENDIX F	



IN THE  
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

PETITION FOR A WRIT OF HABEAS CORPUS  
ON PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of habeas corpus and/or certiorari issue to review the judgment(s) below, GVR, and release petitioner from vindictive, double jeopardy, ex post facto constitutionally deficient void verdicts and extra-jurisdictional judgments entered after acquittal which are not even based upon any specific legislatively defined jurisdictional penal statutes, in violation of the laws and constitution of the United States.

OPINIONS BELOW

For cases from STATE courts: The opinion of the CALIFORNIA SUPREME COURT appears at APPENDIX A to this petition and related petitions Nos 96-9573, 96-9113, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8146; UNPUBLISHED. THE RELATED PENDING PETITIONS INCORPORATED/JUDICIAL NOTICE, Fed. Rules F.R.D. 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

EXCEPTIONAL CIRCUMSTANCES. Because of the exceptional circumstances presented by this petition and the related opinions now on DIRECT REVIEW and Lis pendens, Rules 12.4 and 20.4(a) are additionally invoked pursuant to PUBL 100-352, §7, 102 Stat 662 (1988); see APPEALS AND WRITS IN CRIMINAL CASES, UPDATE MARCH 1996, CALIFORNIA CRIMINAL LAW PRACTICE SERIES, Continuing Education of the Bar - California (CEB) [§3.8], pp. 168-169, ART. I, §9, §10, ART. III, ART. IV, §2, U.S.C. THIS PETITION IS ADDITIONALLY BASED UPON THE LOWER COURT ORDERS LOCATED AT APPENDICES A, B, et seq., IN THE FOLLOWING U.S. SUPREME COURT DOCKETS INCORPORATED HEREIN IN FULL, TO-WIT: 13. LORENZO ARTEAGA v. USCA9 No. 97-5677

- |   |   |
|---|---|
| 1. <u>LORENZO ARTEAGA</u> v. <u>CALIFORNIA</u><br>No. 96-9573 | 7. <u>LORENZO ARTEAGA</u> v. <u>SANTA CLARA DEPT. OF</u><br>No. 96-9196     |
| 2. <u>LORENZO ARTEAGA</u> v. <u>USCA9</u><br>No. 96-9113      | 8. <u>LORENZO ARTEAGA</u> v. <u>CALIFORNIA</u><br>No. 96-9197               |
| 3. <u>LORENZO ARTEAGA</u> v. <u>USCA9</u><br>No. 96-8700      | 9. <u>LORENZO ARTEAGA</u> v. <u>DON HILL</u><br>No. 96-8141                 |
| 4. <u>LORENZO ARTEAGA</u> v. <u>CALIFORNIA</u><br>No. 96-9329 | 10. <u>LORENZO ARTEAGA</u> v. <u>CALIFORNIA</u><br>No. 96-8146              |
| 5. <u>LORENZO ARTEAGA</u> v. <u>CALIFORNIA</u><br>No. 96-9309 | 11. <u>LORENZO ARTEAGA</u> v. <u>SUPERIOR COURT OF SANTA</u><br>No. 96-8288 |
| 6. <u>LORENZO ARTEAGA</u> v. <u>CALIFORNIA</u><br>No. 96-9328 | 12. <u>LORENZO ARTEAGA</u> v. <u>CALIFORNIA</u><br>No. 96-8289              |

AND TIMELY ASSERTED OBJECTIONS AND OPINIONS IN RE USCA9 NO. 95-80113 FILED AND LODGED IN U.S. SCT DOCKET NOS. 94-9212, 96-6804, 95-9260, 95-7417, AT APPENDICES A-Z, AND THE WHOLE THEREOF INCORPORATED IN FULL, AND/OR JUDICIAL NOTICE, Federal Rules of Evidence, Rule 201, et seq., CONTAINING OBJECTION TO UNCONSTITUTIONAL USCA9 NO. 95-80113 FILED MAY 5, 1995 BASED ON MARCH 28, 1995 EX PARTE, EX POST FACTO, SUA SPONTE OSC WHICH DISTORTED AND CORRUPTED THE PROCESS OF LAW AND SUSPENDED THE WRIT OF HABEAS CORPUS NO. USCA9 NO. 95-80113 IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES.

JURISDICTION

For cases from STATE courts: CALIFORNIA SUPREME COURT decided my case was 4-16-97 AT APPENDIX A

BACK TO AUGUST 31, 1982 BASED ON EX POST FACTO UNCONST/70700VNC OSC EX PARTE, SUA SPONTE DISTORTING AND CORRUPTING PROCESS OF LAW, BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) 28 USC §1257(a)

1st, 4th, 5th, 6th, 8th, 9th, 13th, 14th Amendments, U.S. CONSTITUTION, ORNELAS v. U.S. 116 S.Ct 1657 (1996) FURTHER JURISDICTION: ART. I, §9, cl. 2,

cl. 3, ART. I, §10, U.S. CONSTITUTION, 28 USC §1654; PUBLIC LAW 100-352 §7, 102 Stat 662 (1988), ART. III, ART. IV, §2 ART. VI, §3, U.S. CONSTITUTION, LINDH v. MURPHY 117 S.Ct 2059 (1997), 28 USC §1257(a)

28 USC §1254(1); 1343, 1443 1257(a), 1332

1367, 2241-2254, 2255 GARLOTTE v. FORDKE 115 S.Ct 1948, 1978 (1995) 115 LEd2d 876, 878; CUSTIS v. U.S. 114 S.Ct 1732 (1994), PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 818 (9th Cir. 1993), LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275 n. 29 (1994);

ALSO SEE JURISDICTIONAL STATEMENTS IN RELATED PENDING DOCKETS INCORPORATED IN FULL HEREIN.

STANDARD OF REVIEW: CHAPMAN v. CALIFORNIA 17 LEd2d 705 (1967)

BOVIE v. CITY OF COLUMBIA 12 LEd2d 894 (1964) (DUE PROCESS/EQUAL PROTECTION) DOGGETT v. U.S. 505 U.S. 647, 651 (6th Amendment: COMPULSORY PROCESS, SPEEDY TRIAL) GREEN v. U.S. 355 U.S. 184, 2 LEd2d 199 (DOUBLE JEOPARDY, VINDICTIVE PROSECUTION)



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PUB L 100-352, §7, 102 Stat 662 (1988)

ART. I, §9, clause 2, clause 3.

ART. I, §10.

ART. III,

ART. IV, §2,

ART. VI, §2,

UNITED STATES CONSTITUTION

28 U.S.C. § 754 (FEDERAL STATUTORY RIGHT OF PRO SE REPRESENTATION AND ACCESS TO COURTS)

1st Amendment (RIGHT OF ACCESS TO THE COURTS)

4th " (ILLEGAL STOP, SEARCH AND SEIZURE)

5th " (DOUBLE JEOPARDY, SELF-INCRIMINATION, DUE PROCESS: PROCEDURAL AND SUBSTANTIVE)

6th " (RIGHT OF REPRESENTATION, PRO SE, TO BE INFORMED, NOTICE AND JURY TRIAL)

8th " (CRUEL AND UNUSUAL PUNISHMENT AND CONDITIONS OF UNCONSTITUTIONAL CONFINEMENT)

9th " (RIGHTS OF THE PEOPLE NOT OTHERWISE ENUMERATED)

13th " (FORCED SLAVERY AND PUNISHMENT WITHOUT LEGAL CONVICTION; OBSTRUCTIVE DIRECT APPEAL)

14th " (DUE PROCESS AND EQUAL PROTECTION OF THE LAW; NO STATE SHALL DEPRIVE,)

California Penal Code §3, §805.5(c)(2), §§799, 800-805

GARLOTTE v. FORDICE 115 S.Ct. 1948, 115 L.Ed.2d 876, 878 (1995)

U.S. v. TAYLOR 648 F.2d 565 (9th Cir. 1981)

CUSTIS v. U.S. 114 S.Ct. 1732 (1994)

CHAPMAN v. CALIFORNIA 17 L.Ed.2d 705 (1967)

ORNELAS v. U.S. 116 S.Ct. 1657 (1996)

BOUIE v. CITY OF COLUMBIA 12 L.Ed.2d 894, 84 S.Ct. 1697 (1964)

U.S. v. MUNSINGWEAR 340 U.S. 36, 39 (1950)

ROW v. WADE 410 U.S. 113, 125 (1973)

DOUGGETT v. U.S. 505 U.S. 647, 651

BRADY v. MARYLAND 373 U.S. 83, 10 L.Ed.2d 215 (1963)

MILLER v. PATE 17 L.Ed.2d 690, 87 S.Ct. 785 (1967)

U.S. v. GAUDIN 115 S.Ct. 2310 (1995)

YATES v. EVATT 111 S.Ct. 1884, 114 L.Ed.2d 432 (1991)

LOGAN v. ZIMMERMAN BRUSH CO. 71 L.Ed.2d 265 (1982)

HENDRICKS v. VASQUEZ 908 F.2d 490 (9th Cir. 1990)

MIDLAND ASPHALT CORP. v. U.S. 489 U.S. 794, 103 L.Ed.2d 879 (1989)

U.S. v. BLOUNT 34 F.3d 865 (9th Cir. 1994)

GREEN v. U.S. 355 U.S. 184, 2 L.Ed.2d 199

BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 410 U.S. 484, 35 L.Ed.2d 443 (1973)

KYLES v. WHITLEY 115 S.Ct. 1555 (1995)

PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993)

BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc)

CUNE v. BRUSETT 661 F.2d 108 (9th Cir. 1981)

RIVERS v. ROADWAY EXP. INC. 114 S.Ct. 1570 (1994)

FRANKS v. DELAWARE 438 U.S. 154 (1978)

DAVIS v. ALASKA 94 S.Ct. 1105 (1974)

TOME v. U.S. 115 S.Ct. 696 (1995)

LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275 n.29 (1994)

LINDH v. MURPHY 117 S.Ct. 2059 (1997)

STATEMENT OF THE CASE

SEE PENDING PETITIONS 96-9196, 96-9197, 96-9328, 96-9329, 96-9309 SAME STATEMENT

AND/OR SEE PENDING PETITIONS 96-9513,

97-5677, 96-9113, 96-8700, 96-8141; PER 28 USC §1254(1) AND

FED. R. EVIDENCE, Rule 201 et seq. INCORPORATED IN FULL

- R.204(a) circumstances

APPENDIX A NO. CASE 5057401 WAS DENIED AFTER ALL FOREGOING PETITIONS WERE IRREPARABLY PREJUDICED ON DIRECT APPEAL AND HABEAS CORPUS BEFOREHAND.

MORE PARTICULARLY, THE INSTANT PETITION ACTUALLY SUPPLEMENTS THE SEPARATELY MAILED PETITION FORWARDED TO THE CLERK OF THIS COURT PURSUANT TO THE JULY 1997 AND AUGUST 14, 1997 ORDERS (M. BLALOCK)

THIS PETITION HAS BEEN VIOLENTLY OBSTRUCTED BY RESPONDENTS DELIBERATE LOWER COURT ORDERS AND RECORDS REMOVALS TO THE PRESENT TIME; RESPONDENT DANIEL E. LUNGREN HAS BEEN SERVED WITH THESE LETTERS, ORDERS, PETITIONS AND LEGAL NOTICES BUT REFUSES TO PROVIDE REASONABLE, MEANINGFUL ACCESS TO THIS COURT TO FORCE FRAUDULENT PROCEDURAL AND SUBSTANTIVE DEFAULTS.

I HAVE BEEN STABBED, SHOT, BEATEN WHILE HANDCUFFED AND RECEIVED FIFTEEN (15) STITCHES TO MY HEAD ETC., JUST IN THE COURSE OF RESPONDENT'S INTIMIDATING TACTICS TO PRECLUDE MY FILING THIS PETITION. SEE FOR EXAMPLE DIV. 5<sup>TH</sup> 1728 FILED 9-12-97 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA AT SACRAMENTO, CALIFORNIA, AND SEE C.97-2622 FMS FILED 7-16-97 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA BUT WHICH WAS IMMEDIATELY REASSIGNED A NEW NUMBER TO C.97-20665 RMW BY THE QUIXOTIC "REASSIGNMENT ORDER DATED 7-30-97 AS SOON AS I FILED MOTIONS FOR TEMPORARY RESTRAINING AND/OR INJUNCTIVE RELIEF ORDERS. AND SEE PENDING USCA9 TIME SCHEDULE ORDER FILED 9-15-97 IN NEW CASE NO. 97-16705 (ARTEAGA v. DANIEL E. LUNGREN, CALIFORNIA ATTORNEY GENERAL, PETE WILSON, GOVERNOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, et seq., et al.) ALL EVIDENCING LACK OF AVAILABLE LEGAL REMEDY IN SPITE OF SERIOUS NATURE OF CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL VIOLATIONS REPORTED.

THE STATEMENT OF THE CASE IS THUS AMPLY SET FORTH AS ABOVE NOTED, AND IN THE PENDING U.S. SUPREME COURT IDENTICAL/RELATED PETITIONS ON DIRECT APPEAL AND HABEAS CORPUS NOS. 96-9196, 96-9197, 96-9328, 96-9309, 96-9328, 96-8146 REAILED HEREIN AND INCORPORATED IN FULL FOR ALL PURPOSES. RULES 12.4, 20.4(a), 13, 14, 44, 48, et al., U.S. SCT.

# REASONS FOR GRANTING THE WRIT

The writ of Habeas Corpus and/or Certiorari should be granted because I, Petitioner, am an innocent person falsely, VINDICTIVELY IMPRISONED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES and there is no other adequate remedy to GRANT GVR, RELEASE FROM WRONGFUL IMPRISONMENT AND/OR ALTERNATIVE RELEASE PENDING FURTHER APPEAL AS EVIDENCED BY "OPINIONS BELOW" AND APPENDICES HEREIN AND THE WHOLE HEREOF. See also PRAYER to Related Pending Petitions. EXCEPTIONAL CIRCUMSTANCES. THE UNCONSTITUTIONAL VINDICTIVE, DOUBLE JEOPARDY, EX POST FACTO EXTRA-JURISDICTIONAL VOID OR VOIDABLE STATE COURT JUDGMENTS OF CONVICTION AND SENTENCING MUST BE VACATED, STRICKEN, REVERSED AS LAW AND JUSTICE REQUIRE.

~~MAILED AUGUST 17, 1997~~  
~~A LORENZO ALTEAGA, PRO SE~~

## CONCLUSION

FOR THE FOREGOING REASON THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI MUST ISSUE AND/OR RELEASE PENDING APPEAL WHERE NO OTHER REMEDY ADEQUATE OR OTHERWISE IS AVAILABLE IN AID OF THIS COURT'S APPELLATE JURISDICTION TO ENFORCE THE LAWS AND CONSTITUTION OF THE U.S.

RESPECTFULLY SUBMITTED,

DATED: 8-17-97

Ym [Signature]  
 LORENZO ALTEAGA  
 PRO SE

## APPENDIX



CASE NO. S059401 (4-16-97)  
 CA906 NO. H016397



Sixth Appellate District No. H016397  
S059401

IN THE SUPREME COURT OF CALIFORNIA

LORENZO ARTEAGA, Petitioner

v.

SUPERIOR COURT SANTA CLARA COUNTY, Respondent

THE PEOPLE, Real Party In Interest

**SUPREME COURT  
FILED**

APR 16 1997

Robert Wandruff Clerk  
VP  
DEPUTY

Petition for review DENIED.

I, Robert V. Wandruff, Clerk of the Supreme Court  
of the State of California, do hereby certify that the  
preceding is a true copy of an order of this Court, as  
shown by the records of my office.

Witness my hand and the seal of the Court this

AUG 29 1997

A.D. 19

day of

By

Clerk

B. Mamas  
Deputy Clerk

George  
Chief Justice

CAND 6 NO. H016397(2-20-97)  
SUPER CT. No. 161396

APPENDIX

B

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

**COPY  
FILED**

FEB 20 1997

Court of Appeal - Sixth App. Dist.

By \_\_\_\_\_  
DEPUTY

LORENZO ARTEAGA,  
Petitioner,

vs.

THE SUPERIOR COURT  
OF SANTA CLARA COUNTY,  
Respondent;

THE PEOPLE,  
Real Party in Interest.

No. H016397  
Super.Ct.No. 161396

BY THE COURT

The petition for writ of mandate is denied.

(Elia, Acting P.J., Wunderlich, J., and Mihara, J., participated in this decision.)

Dated FEB 20 1997

ELIA, J. Acting P.J.

*[Handwritten signature]*  
**APPENDIX**

U.S. SUPREME COURT CLERK'S  
(M. BIALOCK) LETTERS/ORDERS  
DATED C. JULY  
AND AUGUST 14, 1997 RE:  
ARTEAGA V. SUPERIOR COURT OF  
SANTA CLARA COUNTY, CALIFORNIA  
CC: DAVID E. LUNGREN  
(CALIFORNIA ATTORNEY GENERAL)  
JUDICIAL NOTICE REQUESTED OF  
ORIGINAL  
FED. EVIDENCE, R-281,073 ED.

**APPENDIX**

C



SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER  
CLERK OF THE COURT

August 14, 1997

AREA CODE 202  
479-3011

Lorenzo Arteaga  
E-66703, A3-2061  
P.O. Box 1030  
Soledad, CA 93960

RE: Arteaga v. Superior Court of Santa Clara  
County, California

Dear Mr. Arteaga:

The above-entitled petition for writ of certiorari was  
postmarked July 16, 1997 and received July 21, 1997. The papers are  
returned for the following reason(s):

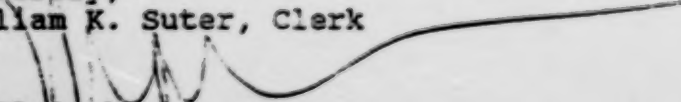
The appendix to the petition does not contain the following  
documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the Sixth  
Appellate District in case No. H016397.

Please correct and resubmit as soon as possible. Unless the  
petition is received by this Office in corrected form within 60  
days of the date of this letter, the petition will not be  
filed. Rule 14.5.

A copy of the corrected petition must be served on opposing  
counsel.

Handwritten copies of orders cannot be accepted.

Sincerely,  
William K. Suter, Clerk  
By: 

M. Blalock  
(202) 479-3023

Enclosures

cc: Daniel E. Lungren

10a

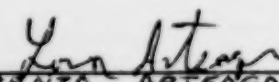
VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare under the penalty of perjury that:

I am the PETITIONER in the attached matter; I have read  
the foregoing document(s) and know the contents thereof; that the same is true  
of my own personal knowledge, or upon information and belief which I believe  
to be true; that if called to testify as to the contents thereof, I could do  
so competently as a sworn witness.

Executed this 27 day of AUGUST, 1997, at Salinas  
Valley State Prison, Soledad, CA 93960.

  
LORENZO ARTEAGA  
Declarant

\*\*\*\*\*

RULE 29 CERTIFICATE OF MAILING AND  
DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare: That I am a resident of Salinas  
Valley State Prison, Soledad, California; I am over the age of 18 years; I am  
a party to the above entitled action; My address is P.O. Box 1030, Soledad,  
California 93960-1030; I served the attached document(s) entitled:  
(1) PETITION FOR WRIT OF HABEAS CORPUS ON PETITION FOR A WRIT OF  
CERTIORARI TO SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA, et al.  
PURSUANT TO HOUSSON v. LACK (1989) - U.S. - 5CT

on the 27/parties specified below by placing a true copy of said document  
into a sealed envelope with the appropriate postage affixed thereto and placing  
said envelope(s) into the United States Mail in a deposit box provided for at  
the Salinas Valley State Prison, Soledad, California, addressed as follows:

DANIEL E. LUNGREN, Att. Gen.  
300 SO. SPRING ST.  
LOS ANGELES, CA 90013

MICHAEL J. VERLY, Clerk  
COURT OF APPEALS (CAADG)  
333 W. SANTA CLARA ST., 4th Fl.  
SAN JOSE, CA 95113

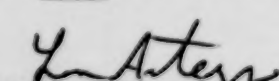
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT  
P.O. BOX 193939  
121 SPEAR STREET  
SAN FRANCISCO, CA 94119-3939

PETE WILSON, Governor  
STATE CAPITOL  
CAPITOL MALL  
SACRAMENTO, CA 95814

SUPERIOR COURT OF CA  
SANTA CLARA COUNTY  
115 TERRACE STREET  
SAN JOSE, CA 95113

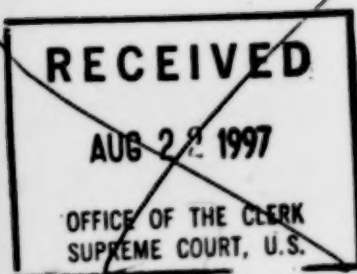
RAY MENDOZA, D.A.  
70 W. HEDDING ST.  
SAN JOSE, CA 95110

There is First Class mail delivery service by the United States Mail at  
the places so addressed and/or regular communication by mail between the place  
of mailing and the addresses above. I declare under the penalty of perjury  
that the foregoing is true and correct and that I executed this service on  
this 27 day of AUGUST, 1997, at Salinas Valley State  
Prison, Soledad, California 93960-1030.

  
LORENZO ARTEAGA  
Declarant

-11-

No. \_\_\_\_\_

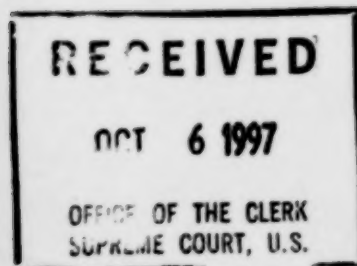


IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

LORENZO ARTEAGA - PETITIONER



VS.

SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA

- RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari/habeas corpus without prepayment of costs and to proceed in forma pauperis.

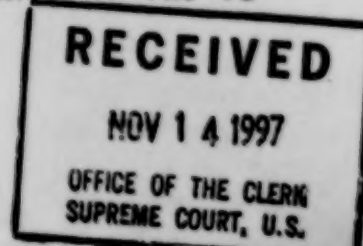
☒ Petitioner has previously been granted leave to proceed in forma pauperis in the following courts:

USDC N CA, USDC E CA, USCA 9; THIS  
HON. COURT NOS. 94-9212, 96-9513, 96-9113,  
96-9329, 96-9309, 96-9328, 96-9196,  
96-9127; 97-5677, et al.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

DATED: AUGUST 17, 1997

Lorenzo Arteaga  
LORENZO ARTEAGA, PRO SE



DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, LORENZO ARTEAGA, DECLARE UNDER PENALTY OF PERJURY THAT I AM THE PETITIONER IN THE ACCOMPANYING PETITION FOR WRIT OF CERTIORARI OR HABEAS CORPUS AND OFFER THIS DECLARATION IN SUPPORT OF MY MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS WITHOUT BEING REQUIRED TO PREPAY THE AMOUNT OF FEES, COSTS OR GIVE SECURITY THEREFOR. I STATE THAT BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS OF THIS ACTION OR GIVE SECURITY, AND THAT I BELIEVE THAT I AM ENTITLED TO RELIEF.

IN SUPPORT OF THIS MOTION I PROVIDE THE FOLLOWING INFORMATION:

1. ARE YOU PRESENTLY EMPLOYED? ANS. NO.  
DATE LAST EMPLOYED: 10/18/88; APPROXIMATELY \$1,000 PER MONTH.
2. HAVE YOU RECEIVED, WITHIN THE PAST TWELVE MONTHS, ANY MONEY OR INCOME FROM ANY OF THE FOLLOWING SOURCES?  
a. Business, Profession or self-employment? ANS. NO.  
b. Income from stocks, bonds, or royalties? ANS. NO.  
c. Rent payments? ANS. NO.  
d. Pensions, annuities, or life insurance payments? ANS. NO.  
e. Social security or other government source? ANS. NO.
3. Do you own or are you buying a home? ANS. NO.
4. Do you own an automobile? ANS. NO.
5. Do you have a bank account? ANS. NO.
6. Do you have any other sources of income or money? ANS. NONE.
7. LIST THE PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT AND INDICATE HOW MUCH YOU CONTRIBUTE TOWARD THEIR SUPPORT: ANS. MY CHILDREN ARE DEPENDENT UPON ME FOR THE NECESSITIES OF LIFE BUT I AM NOT ABLE TO SUPPORT OR CONTRIBUTE TOWARD THEIR SUPPORT DUE TO THE UNCONSTITUTIONAL IMPRISONMENT AND CONDITIONS OF IMPRISONMENT RELATED IN MY PETITION. B.A.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.  
EXECUTED THIS 17th day of AUGUST, 1997 AT MONTEREY COUNTY, SOLEDAD, CALIFORNIA.

Lorenzo Arteaga  
LORENZO ARTEAGA, DECLARANT



SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER  
CLERK OF THE COURT

November 17, 1997

AREA CODE 202  
479-3011

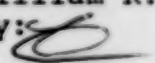
Lorenzo Arteaga  
E-66703, A3-2061  
P.O. Box 1030  
Soledad, CA 93960

RE: Arteaga v. Superior Ct. of Santa Clara

Dear Mr. Arteaga:

The above-entitled petition for a writ of certiorari was originally postmarked July 16, 1997 and received again on November 14, 1997. The papers are returned for the following reason(s):

As a corrected petition was not received within 60 days of the August 14, 1997 letter from this Office, the petition is out-of-time. Rule 14.5.

Sincerely,  
William K. Suter, Clerk  
By: 

M. Blalock  
(202) 479-3023

APPENDIX

C

Enclosures

cc: Daniel E. Lungren

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY  
AT THE TIME OF FILMING. IF AND WHEN A  
BETTER COPY CAN BE OBTAINED, A NEW FICHE  
WILL BE ISSUED.

JAN 16 PAGE 9

No. 97-6749

**ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE  
LORENZO ARTEAGA - PETITIONER

VS.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9, et al.

2<sup>ND</sup> THIRD

SECOND SUPPLEMENTAL TO  
PETITION FOR WRIT OF HABEAS CORPUS

UNITED STATES COURT ORDERS  
FILED DECEMBER 19, 1997

LORENZO ARTEAGA

4001 KING AVENUE / E-66703  
P.O. BOX 8800

CORCORAN, CA 93212

Supreme Court, U.S.

FILED

DEC 17 1997

CLERK

RECEIVED

DEC 17 1997

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

22 PP



STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS SET FORTH IN THE SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS DATED NOVEMBER 30, 1997 ON FILE WITH THIS HONORABLE COURT.

THE FOLLOWING APPENDICES WERE NOT AVAILABLE UNTIL DELIVERED LAST NIGHT (DECEMBER 8, 1997), TO-WIT:

INDEX TO APPENDICES

- APPENDIX A U.S. SUPREME COURT No. 96-9513  
LORENZO ARTEAGA v. CALIFORNIA (12/1/97)
- APPENDIX B U.S. SUPREME COURT No. 97-5677  
LORENZO ARTEAGA v. UNITED STATES COURT  
OF APPEALS FOR THE NINTH CIRCUIT (12/1/97)
- APPENDIX C U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF CALIFORNIA Nos. C-94-1575 FMS,  
C-94-3046 FMS, C-94-4466 FMS,  
C-95-0064 FMS  
LORENZO ARTEAGA v. PETE WILSON, et al.  
FILED 12/2/97
- APPENDIX D U.S. DISTRICT COURT FOR THE EASTERN DISTRICT  
OF CALIFORNIA No. CIV-S-97-1728 GEBGGHP  
LORENZO ARTEAGA v. PETE WILSON, et al.  
FILED 12/2/97
- APPENDIX E PETE WILSON AND CALIFORNIA DEPARTMENT  
OF CORRECTIONS CORRESPONDENCE  
DATED 11/6/97 (CAUSE AND CONTINUING  
PREJUDICE). F.R.A.P. R-47(a)(1), (a)(2), ...
- APPENDIX F SAME DATED 5/17/96
- APPENDIX G SAME DATED 8/28/95
- APPENDIX H PETITION FOR WRIT OF MANDAMUS/PROHIBITION AND  
HABEAS CORPUS FILED IN USDC N CA#C-94/575 et al.  
ALSO FILED WITH A-314 PET. FOR RELIEF/RE: PENDING  
RE USCA9 #'s 96-16222, 96-16223 ON PET. FOR WRIT OF CERT.
- APPENDIX I NOTICE OF APPEAL (CRIME 18 et al.) C-94-1575 et al.

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

December 1, 1997

Mr. Lorenzo Arteaga  
E-66703, A3-2061  
P.O. Box 1030  
Soledad, CA 93960

Re: Lorenzo Arteaga  
v. California  
No. 96-9513

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The motion of petitioner for reconsideration of the order  
denying leave to proceed in forma pauperis is denied.

Sincerely,

*William K. Suter*

William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

December 1, 1997

Mr. Lorenzo Arteaga  
E-66703  
P.O. Box 1030  
Soledad, CA 93960

Re: Lorenzo Arteaga  
v. United States Court of Appeals for the Ninth  
Circuit  
No. 97-5677

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for rehearing is denied.

Sincerely,

*William K. Suter*  
William K. Suter, Clerk

FILED

DEC 2 1997

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,

Plaintiff,

vs.

PETE WILSON, et al.,

Defendants.

Nos. C 94-1575 FMS  
C 94-3046 FMS  
C 94-4466 FMS  
C 95-0064 FMS

ORDER DENYING  
PETITION FOR WRIT  
OF MANDAMUS/  
PROHIBITION AND  
HABEAS CORPUS;  
DENYING MOTION TO  
RECONSIDER OR  
ALTERNATIVE MOTION  
TO VACATE ORDERS;  
DENYING PETITION  
FOR WRIT OF ERROR  
CORAM NOBIS; AND  
DENYING MOTION FOR  
TRANSCRIPTS AT  
GOVERNMENT EXPENSE

The Court has received plaintiff's "Petition for Writ of Mandamus/Prohibition and Habeas Corpus" filed November 6 1997, plaintiff's "Motion to Reconsider or Alternative Motion to Vacate orders/Judgments of Dismissal," filed November 10, 1997, plaintiff's "Petition for Writ of Error Coram Nobis," filed November 18, 1997, and plaintiff's "Motion For Transcripts at Government Expense," filed November 20, 1997. These papers relate to four cases: C94-3046, C94-1575, C94-4466 and C95-0064. Those cases were dismissed with prejudice in October 1995, November 1995, and May 1996; appeals in each case have been

COPIES MAILED TO  
PARTIES OF RECORD



1 dismissed by the Ninth Circuit.

2 Plaintiff's November 6 Petition for Writ of Mandamus,  
3 which requests various forms of substantive relief, is DENIED as  
4 an improper attempt to litigate a closed case.

5 The Court DENIES plaintiff's November 20 motion for  
6 transcripts at government expense. An identical motion was  
7 denied on October 23, 1997. Plaintiff has not provided any new  
8 reason why those transcripts should be provided at government  
9 expense.

10 Finally, plaintiff has requested a writ of coram nobis.  
11 Because that writ was abolished and replaced by Federal Rule of  
12 Civil Procedure 60(b), the Court construes plaintiff's November  
13 18 petition as a motion under Rule 60(b). Plaintiff's motion  
14 describes difficulties he had obtaining litigation materials in  
15 prison in 1992. The Court does not believe those difficulties to  
16 be sufficient reason for relief from the judgment, as plaintiff  
17 was aware of those facts before the judgment issued. The motion  
18 is therefore DENIED. The Court also DENIES as frivolous  
19 plaintiff's November 10 Motion to reconsider or vacate the  
20 judgment's in each of his four cases. Plaintiff cites to his  
21 recent filings as evidence that the cases are not moot.  
22 Plaintiff, however, cannot reopen dismissed cases simply by  
23 filing new motions. Any further filings in these cases will  
24 therefore be stricken.

25 IT IS SO ORDERED

26 1531 ORIGINAL SIGNED  
27 FERN M. SMITH  
UNITED STATES DISTRICT JUDGE

DATE DEC. 2, 1997

United States District Court  
for the  
Eastern District of California  
December 2, 1997

mp

\* \* CERTIFICATE OF SERVICE \* \*

2:97-cv-01728

Arteaga

v.

Wilson

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on December 2, 1997, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lorenzo Arteaga  
E-66703  
CSP-4  
Corcoran State Prison  
PO Box 8800  
Corcoran, CA 93212

SF/GEB

VC/GGH

US District Court  
Northern Districe  
PO Box 36060  
San Francisco CA 94102  
(court file, certified cy of docket sheet)

Jack L. Wagner, Clerk

BY: M. Rice  
Deputy Clerk

FILED

DEC 02 1997

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA

Plaintiff,

No. CIV 597-1728 GEB GGH P

vs.

PETE WILSON, et al.

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in forma pauperis.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

///

Venue of this action is technically appropriate in the Eastern District of California because the Governor of California, the Attorney General, and the Director of the California Department of Corrections reside in this district. Nevertheless, the court is transferring this action to the Northern District of California pursuant to 28 U.S.C. § 1404(a) in the interests of justice for the following reasons.

It is clear that plaintiff is suing Pete Wilson, Daniel Lunsden and Thomas Maddock solely in a representative capacity. As such, these defendants are likely to be dismissed from this 42 U.S.C. § 1983 action. Fayle v. Stapley, 607 F.2d 852, 862 (9th Cir. 1979). Venue would then be improper in this district because the remaining defendants reside in the Northern District of California. Venue would also be improper in the Eastern District because the claims for which plaintiff seeks relief took place in the Northern District. Thus, it is appropriate that these claims be litigated in that district.

IT IS THEREFORE ORDERED that:

1. This court has not ruled on plaintiff's request to proceed in forma pauperis, and
2. This action is transferred to the Northern District of California.

DATED November 26, 1997.

/s/ ORIGINAL SIGNED  
GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

GGH:jv:mg  
Arteaga, 2lc



DEPARTMENT OF CORRECTIONS  
P.O. Box 942883  
Sacramento, CA 94283-0001



November 6, 1997

Inmate Lorenzo Arteaga  
E-66703  
California State Prison Corcoran  
4001 King Avenue  
Corcoran, CA 93212

Dear Inmate Arteaga:

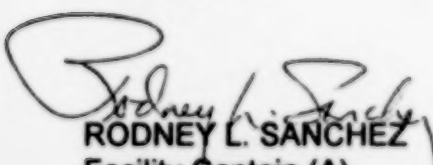
The Director has asked me to respond to your correspondence.

Your correspondence includes a complaint filed in federal court relative to an allegation of civil rights violation at the California State Prison Corcoran.

Please be assured that we are sensitive to your concerns; however, as you have chosen to file a lawsuit, these matters are no longer within the purview of the Department of Corrections. Therefore, you are advised to forward all correspondence in this matter to the Office of the Attorney General.

I hope this information is of assistance to you.

Sincerely,

  
RODNEY L. SANCHEZ  
Facility Captain (A)  
Institution Services Unit

DEPARTMENT OF CORRECTIONS

P.O. Box 942883  
Sacramento, CA 94283-0001



May 17, 1996

Mr. Lorenzo Arteaga  
E66703 3B 106L  
California Correctional Institution, Level IV-B  
P.O. Box 1905  
Tehachapi, CA 93581

Dear Mr. Arteaga:

Your recent letters addressed to the Director of the California Department of Corrections (CDC) and the CDC Legal Processing Unit (LPU) have been referred to me for reply.

It is the responsibility of the LPU to bring to the attention of the court any irregularity in sentencing and/or the recording of a sentence on various commitment documents. In your case, your Abstract of Judgment indicated that Count 7 was sentenced consecutively as a one-third consecutive nonviolent crime. Penal Code (PC) Section 667.5(c) defines PC Section 288(a) as a violent felony; therefore, when completing the Abstract of Judgment the "one-third consecutive violent" box is the appropriate area on the Abstract of Judgment to be completed when imposing a one-third consecutive sentence on a violent offense.

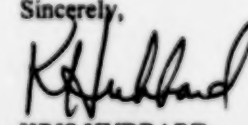
The second issue you raised is your belief that you are serving a five-year consecutive term for the same case you served during 1990. This is not true. You were received by CDC on August 28, 1990 as a result of Santa Clara County Case Number 138120. On June 27, 1992 you were placed on parole status, but you were retained in custody as a result of your parole being revoked by the Board of Prison Terms for your refusal to sign parole conditions. You were released on parole on August 6, 1992 (when you were picked up on a warrant by Half Moon Bay Police Department).

You were subsequently received by CDC on March 28, 1994 as a result of a new term from Santa Clara County, Case Number 161396. This is the ten-year term you are currently serving. Your previous commitment (Santa Clara County Case Number 138120) was discharged when the maximum discharge date was reached. As you can see, you are now serving a separate term than that which you served beginning in 1990.

Your third issue relates to the amount of credit awarded on your term. According to the legal documents received you were awarded 476 actual days credit plus 238 days conduct credit for time served prior to sentencing. Penal Code Section 2900.5(d) states in part "It shall be the duty of the court imposing sentence to determine the date or dates of any admission to and release from custody prior to sentencing, and the total number of days to be credited pursuant to this section . . . ." Therefore, if you believe that you are entitled to additional presentence credit you must write directly to the sentencing court.

I hope this information is of assistance to you. Any further questions you may have regarding your case should be directed to the Correctional Case Records Manager of your current institution. If an issue cannot be resolved to your satisfaction, you are encouraged to utilize the Inmate Appeal Process via CDC Form 602, as your administrative remedy.

Sincerely,

  
KRIS HUBBARD  
Correctional Case Records Administrator

## DEPARTMENT OF CORRECTIONS

Legal Processing Unit  
 P.O. Box 942883  
 Sacramento, CA 94283-0001  
 (916) 324-0848

August 28, 1995

Honorable Gregory H. Ward  
 Judge of the Superior Court  
 County of Santa Clara  
 115 Terraine Street  
 San Jose, CA 95110

Re: Arteaga, Lorenzo  
 CDC No.: E66703  
 Case No.: 161396  
 Date of Sentence: March 24, 1994

Dear Judge Ward:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Abstract of Judgment reflects Count 7, PC288(a), with a one-third consecutive non-violent box checked. As this is a violent offense, pursuant to PC667.5(c), we have recorded this offense as one-third consecutive violent. If this is not the Court's intent, please advise this office.

Please review your file to determine if a correction is required.

Sincerely,

DELORIS PASCHAL  
 Correctional Case Records Manager

*Karen L. Huffman*

By: KAREN L. HUFFMAN  
 Correctional Case Records Specialist

Attachment

cc: District Attorney  
 Public Defender/Defense Counsel  
 Inmate  
 C-File

CCTUB

64-1082  
*Salisbury*  
 PETE WILSON Governor



MAILED 10-1-95

4A ATTACHED  
 AS APPROPRIATE  
 F-1 TO  
 R13 STAMPED  
 "RCV" 1  
 10-6-97  
 U.S. SCT 2  
 MAIL BACK 3  
 V.A. 4  
 B16 "V" 5  
 SUB 6  
 11-23-97

LORENZO ARTEAGA  
 UNIT IV-B E-66703  
 P.O. BOX 1402-B 9800  
 Tehachapi, CA 93584  
 CORCORAN 93212

Pro se : Title 28 USCS section 1654

COPY FILED  
 NOV 6 1 18 PM '97  
 RICHARD W. WICKMAN  
 U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CA

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA, NO. CV-94-1575 FMS  
 PLAINTIFF/APPELLANT/PETITIONER  
 VS. RELATED BY MARCH 1995 ORDER:  
 CV-94-4466 FMS, CV-95-0064 FMS  
 AND CV 94-3046 FMS  
 PETITION FOR WRIT OF  
 MANDAMUS / PROHIBITION AND  
 HABEAS CORPUS  
 (EXCEPTIONAL CIRCUMSTANCES) RULES 13.4, 14,  
 RULES 12.4 AND 20.4(a) U.S. SCT  
 28 USC §§ 1331, 1343, 1443, 1367,  
 1654, 2241-2254, 2255  
 BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY  
 35 LE2d 443 (1973)  
 LOGAN v. ZIMMERMAN BRUSH CO. (1982) — U.S. —  
 GRETZ v. HELMAN 773 F.2d 1026, 1025 (9th Cir.)  
 KYLES v. WHITLEY (1985) 115 S.Ct. — U.S. —  
 SHANNON v. CALIFORNIA 17 LE2d 705 (1967)  
 LINDH v. MURPHY 117 S.Ct. 2055 (1997)

1. Petitioner is LORENZO ARTEAGA APPELLANT/PETITIONER ON WRIT OF CERTIORARI  
 WHOSE LEGAL RECORDS HAVE BEEN DELIBERATELY REMOVED / CONVERTED BY OVERT  
 ACTS OF ATTEMPTED MURDER, MAYHEM, BEATINGS, SPOLIUM AND SPOLIATION TO FORCE  
 PROCEDURAL AND SUBSTANTIVE DEFAULTS IN VIOLATION OF LAW; UNDER COLOR OF AUTHORITY;  
 2. The Real Party in interest ARE THE PEOPLE

3. Respondent is/are THOMAS MADDOCK, CURRENT DIRECTOR, CDC;  
DANIEL E. LUNGBREN, ATTORNEY GENERAL OF CALIFORNIA, PETE WILSON, GOVERNOR;  
GEORGE M. GALAZA, WARDEN, CORCORAN STATE PRISON, SUCCESSORS/SUBORDINATES;  
 4. Respondent has a clear, present, and ministerial duty to abide by

and adhere to the exercise of sound discretion governed by legal rules to do  
 justice according to the law in conducting hearings, receiving evidence and to  
 issue rulings consistent with the law governing the subject matter of this petition.



5. Respondent has failed and/or refused to exercise sound discretion as follows:

a). On or about JULY 16, 1997 (EXHIBIT A REALIEGED & INCORPORATED  
SEE ATTACHED COMPLAINT C 97-2622 FMS)  
petitioner did present before respondent a motion entitled CIVIL RIGHTS  
COMPLAINT ... DEMANDING, INTER ALIA, RETURN AND ACCESS TO HIS LEGAL PROPERTY/RECORDS

b) On or about 7-29-97, 9-15-97 TO AND INCLUDING 11-3-97  
respondent did deny petitioner's motion despite facts brought before the court and the state of existing law both of which support granting petitioner's motion;

6. Petitioner is a person beneficially interested in this petition and petitioner, respondent and real party in interest are the parties who will be affected by this petition;

7. Petitioner has no other adequate remedy in the ordinary course of law other than by this petition in that there is no other procedure to require respondent to use discretion governed by legal rules to do justice according to the mandate of law and the constitution or to otherwise entitle petitioner to enjoy the benefits sought through this petition;

8. Petitioner has performed all conditions precedent to the filing of this petition by having first exhausted all available remedies;

9. At all times mentioned herein respondent has been able to adhere to and follow the mandate of law which govern the within subject matter. Notwithstanding such ability and despite petitioner's demands as stated herein, respondent continues to fail or refuse to order relief petitioner seeks.

WHEREFORE, petitioner requests:

1. That the court issue an alternative writ of mandate commanding respondent TO INSTANTLY PROVIDE PETITIONER TO ACCESS AND INVENTORY OF ALL OF HIS LEGAL AND PERSONAL PROPERTY AND RECORDS, COURT ORDERS, TRANSCRIPTS, AND LEGAL MATERIALS WITHOUT MISDIRECTION, ARTIFICE OR SHAM AND TO ALLOW HIM TO SELECT AND RETAIN SUCH LEGAL RECORDS AND MATERIALS HE HAD IN HIS CELL FOR HIS PENDING DIRECT APPEAL BEFORE SUCH RECORDS WERE REMOVED BY FRAUD ON MAY 22, 1997, AND TO CEASE AND REFRAIN FROM FURTHER OVERT ACTS OF VIOLENCE, UNREASONABLE INTERFERENCE/ObSTRUCTION OF ACCESS TO THE COURTS, AND PROVIDE IMMEDIATE UNRESTRICTED ACCESS TO THE COURTS, ACCESS TO AVAILABLE PRISON LAW LIBRARY AND COPYING OF LEGAL DOCUMENTS FOR CORRESPONDENCE WITH THE COURTS, AND ACCESS TO AVAILABLE TYPEWRITER TO ALLOW

COMPLIANCE WITH EXISTING RULES OF STATE AND FEDERAL COURT, INCLUDING

RULES 13, 14 AND 34, RULES OF THE SUPREME COURT, 28 USC § 1654, 15c, 1

54c, 64c AND 144c AMENDMENTS, U.S. CONSTITUTION;

or to show cause before this court, at a time specified by court order, why he has not done so and why a peremptory writ should not issue;

2. That on return of the alternative writ of mandate and the hearing on this petition, this court issue a peremptory writ of mandate commanding respondent TO PROVIDE MR. SE LITIGANT REASONABLE ACCESS TO THE COURTS WITHOUT THREATS, VIOLENCE OR INTIMIDATION AND REPRISAL FOR EXERCISING CONSTITUTIONALLY PROTECTED RIGHT TO REDRESS AND ACCESS COURTS AND RELEASE FROM ILLEGAL UNCONSTITUTIONAL IMPRISONMENT;

3. FOR ALL COSTS AND DAMAGES AGAINST RESPONDENTS AND IN FAVOR OF PETITIONER

4. For such other and further relief as the court deems just and proper.

Respectfully submitted,

Dated: NOVEMBER 4, 1997 Luz Arteaga 1551  
LORENZO ARTEAGA, Petitioner

#### VERIFICATION

I have read the foregoing and know the contents therein and the same is true and correct of my own personal knowledge.

If called upon I could and I would competently testify.

Executed this 4th day of NOVEMBER, 1997  
CORCORAN CALIFORNIA  
at Kern County, California. Luz Arteaga 1551  
LORENZO ARTEAGA

#### AUTHORITIES:

FARETTA V. CALIFORNIA (1975) — U.S. —  
LANDROBE V. U.S. FILM PRODUCTS 511 U.S. 244, 275 n. 29 (1994)  
TITLE 28 USC § 1654  
PUB L 100-352, § 7, 102 Stat 662 (1988)  
BOJ.E V. COLUMBIA 12 Fed 2d 894 (1964)  
U.S. v. MUNSING WEAR 340 U.S. 36, 39, (1950)  
28 USC §§ 1331, 1332, 1343, 1443, 1446, 1446(c), 2201, 2241-2254,  
2255, 1257(a)

1 LORENZO ARTEAGA  
2 E-66703  
3 4001 KING AVENUE  
4 CORCORAN, CA 93212  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA  
Plaintiff,

vs.

PETE WILSON, CALIFORNIA  
DEPARTMENT OF CORRECTIONS,  
DANIEL E. LUNDGREN, et al.,  
Defendants.

USCA9 No. 92-15341 (6/11/92)  
ALSO: U.S. SCt A-314 (9616222/3)  
ALSO RELATED CASES PREJUDICED  
AND/OR EFFECTED:  
U.S. SUPREME COURT NOS.:  
96-9513, 96-9113, 97-6749,  
97-5677, 96-9196, 96-9197,  
96-9328, 96-9329, 96-9309,  
AND PENDING 9th Cir. # 97-16705

TO ALL PARTIES OF RECORD:  
NOTICE IS HEREBY GIVEN

THAT PLAINTIFF, LORENZO ARTEAGA  
HEREBY APPEALS FROM THE ORDERS FILED INDIVIDUALLY, JOINTLY AND/OR  
SEVERALLY IN THE ABOVE-ENTITLED AND NUMBERED CASES TO THE  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT TO BE  
CONSOLIDATED WITH PENDING USCA9 No. 97-16705 entitled:  
LORENZO ARTEAGA v. DANIEL E. LUNDGREN, et al. LODGED OR FILED  
10/27/97 AND EQUALLY IMPEDED, HINDERED, IMPAIRED, DELAYED OR  
OBSTRUCTED AS THESE HABEAS CORPUS ISSUES SINCE C-50-20326 RFP  
(C5790), C-91-2534 RFP (2/91) AND USCA9 No 92-15341 (6/11/92), AND  
SO APPEALS FROM THE 12/2/97 ORDERS AND FROM THE WHOLE THEREOF.

DATED: DECEMBER 8, 1997

No. C-94-1575 FMS, C-94-3046 FMS  
C-94-4466-FMS, C-95-0064 FMS

NOTICE OF APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT OF ORDERS FILED  
DECEMBER 8, 1997 DENYING HABEAS  
CORPUS, CDRAM NOBIS, RECONSIDER-  
ATION AND INJUNCTIVE RELIEF

U.S. v. MUNSINGWEAR 340 U.S. 36, 39 (1950)  
U.S. v. TAYLOR 648 F.2d 565 (9th Cir 1981)  
PORTMAN v. CO. OF SANTA CLARA 995 F.2d 898  
9th Cir 1993) BRETZ v. KELMAN 773 F.2d 1026,  
1035 (9th Cir 1985) (en banc), LANDGRAF v.  
US1 FILM PRODUCTS 511 U.S. 244, 275 n. 29,  
(1994), UNDAH v. MURPHY 117 S.Ct 2059  
(1997), PUBL 100-352, 37, 102 Stat 662 (1988)  
28 USC § 1331, 1332, 1343, 1367, 1443,  
42 USC § 1983, 1985(2)(3), 1986  
F.R.A.P. R-47(a)(1), 47(a)(2), F.R.Evid. R 201 et al.  
CUSTIS v. U.S. 114 S.Ct 1732 (1994)  
GARLOTTE v. FORDICE 115 S.Ct 1948 (1995)

155/ Lorenzo Arteaga  
LORENZO ARTEAGA

No. 97-6749

IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1996

IN RE  
LORENZO ARTEAGA — PETITIONER

VS.  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9, et al.

THIRD SUPPLEMENTAL TO  
PETITION FOR WRIT OF HABEAS CORPUS  
— NOTICE OF APPEAL DATED 10/2/97 —  
NOT ADDRESSED OR PROCESSED BY USCA9  
AND GOVERNOR PETE WILSON'S RESPONSE  
LORENZO ARTEAGA

4001 KING AVENUE / E-66703  
P.O. BOX 8800

CORCORAN, CA 93212

RECEIVED  
DEC 17 1997  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.



STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS SET FORTH IN THE SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS DATED NOVEMBER 30, 1997 ON FILE WITH THIS HONORABLE COURT. AND IN THE BRIEF MAILED 10/26/97 TO UNITED STATES COURT OF Appeals For the Ninth Circuit DOCKET NO. 97-16705, entitled: LORENZO ARTEAGA v. DANIEL E. LUNDEREN, et al., which may or may not have been filed, due to Respondents acts, misteference, under color of Authority cited in Petition and Brief and in the related Appendices.

The following APPENDICES support Petitioner's Petition for Writ of Habeas Corpus containing intervening matter not avail- at the previous APPENDICES, TD-WIT:

INDEX TO APPENDICES

APPENDIX A USCAS No. 95-80113, D.C. #CV-97-20665RMW FILED NOV. 19, 1997 THE ONLY COPY PROVIDED HAS BEEN MAILED TO THIS COURT C. 11-22-97 AS A SEPARATE PETITION FOR WRIT OF CERTIORARI JUDICIAL NOTICE OF ORIGINAL COPIES REQUESTED

APPENDIX B NOTICE OF APPEAL DATED OCT. 2, 1997

APPENDIX C GOVERNOR PETE WILSON, OF CALIFORNIA REPLY LETTER DATED NOVEMBER 24, 1997

FILED

UNITED STATES COURT OF APPEALS NOV 19 1997

FOR THE NINTH CIRCUIT

CATHY A. CARTERSON, CLERK  
U.S. COURT OF APPEALS

In re LORENZO ARTEAGA

Respondent

No. 95-80113

DC# CV 97-20665-RMW  
Northern California  
(San Jose)

ORDER

Before: HUG, Chief Judge, PREGERSON and BEEZER, Circuit Judges

This court has reviewed the notice of appeal and accompanying documents filed October 1, 1997 in the above referenced district court docket pursuant to the pre-filing review order entered in this docket. Because this court lacks jurisdiction over the appeal, it shall not be permitted to proceed.

A certified copy of this order served on the district court shall act as and for the mandate of this court.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

PSMcCal 11/18/97/sg  
2

LORENZO ARTEAGA  
EGG703; 48-1R-2SL  
4001 KING AVENUE  
CORCORAN, CA 93212

PRO SE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,  
Plaintiff

vs.

DANIEL E. LUNDGREN, et al.,  
Defendants.

No. C. 97-20665 RMW (PR) AND  
ORIGINAL No. C97-2622 FMS (PR) 1  
NOTICE OF APPEAL OF MISDIRECTION (L  
ORDERS FILED SEPTEMBER 23, 1997  
AND RENEWED (SECOND) NOTICE OF  
APPEAL OF MISDIRECTION "REASSIGNMENT  
ORDER "ENTERED IN COMPUTER 7.29.97"  
DATED 7.30.97 TO THE USCA9 AND  
NOTICE OF LIS PENDENS RELATED PROCEEDINGS  
USCA9 NOS. 96-16222, 96-16223 AND 97-16705

## NOTICE IS HEREBY GIVEN

THAT PLAINTIFF, LORENZO ARTEAGA, HEREBY APPEALS THE ORDERS  
AND OPINIONS FILED SEPTEMBER 23, 1997, JULY 29 AND JULY 30, 1997, IN  
THE ABOVE-ENTITLED AND NUMBERED ORIGINAL AND "REASSIGNED" ACTION TO THE  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT BASED  
ON THE FACT THAT PLAINTIFF DID DULY AND TIMELY TO THE BEST  
OF HIS ABILITY APPRISE THE COURT THAT DEFENDANTS WERE AND  
CONTINUE TO OBSTRUCT, THWART, IMPEDE, HINDER, DELAY AND DELIBERATELY  
PREJUDICE HIS CIVIL, STATUTORY AND CONSTITUTIONAL RIGHT OF ACCESS TO  
THE COURTS OF THE UNITED STATES BY DELIBERATE FRAUD, DECEIT,  
MISDIRECTION, ARTIFICE, SHAM, CONCEALMENT OF MATERIAL FACT, SPOOLIUM,  
SPOILIATION, REFUSAL TO COPY OR MAIL HIS LEGAL DOCUMENTS OR MAIL HIS COURT  
REQUIRED IN FORMA PAUPERIS APPLICATION AND CERTIFICATE\* AND/OR REFUSING  
TO PROCESS SAID LEGAL DOCUMENTS OR TIMELY RETURN OR PROVIDE  
THEM TO PLAINTIFF TO HAVE DELIBERATELY FORCED PROCEDURAL AND  
SUBSTANTIVE DEFAULTS IN PENDING LITIGATION BY CONSPIRACY AND OVERT  
ACTS IN EXTENSION OF CONSPIRACY IN THIS ACTION AND OTHERS, ALL

\* AS OBTAINED INITIAL DEFAULTS IN USCA9 NOS. 95-15723, 95-15724 ARISING  
OUT OF C93-20240 RMW, C93-20745 RMW, C93-20134 RMW BY SAME FRAUD-  
ULENT CONSPIRATORIAL ACTS AND MODUS OPERANDI AND IN C90-20326 RFP,  
C90-20257 RFP, C91-0594 RFP, C92-2534 RFP, C91-2524, C92-2524 RFP, et seq. et al.  
AND USCA9 NOS. 96-15075, 95-15076, 96-16222, 96-16223

OFFICE OF THE CLERK  
U.S. COURT OF APPEALS  
97 OCT -6 FILED  
NOV -3 1997

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

TO PLAINTIFF'S ACTUAL INJURY AND CONTINUING CONSTITUTIONAL  
AND FEDERAL STATUTORY IRREPARABLE PREJUDICE AND INJURY. 28 USC  
§1654; 1st, 4th, 5th, 6th, 8th, 13th, and 14th AMENDMENTS, U.S. CONSTITUTION;  
INCLUDING OVERT ACTS OF ATTEMPTED MURDER, MAYHEM, AGGRAVATED ASSAULTS  
AND BATTERY, THREATS AND INTIMIDATION OF WITNESSES IN VIOLATION OF 18 USC  
§31509, 1572, 1513, 1701, 1702, 1703, 241-242, 373, VIOLATION OF 42 USC  
§§ 1986, 1985, 1985(2), 1985(3), 1983, BRETZ v. KELMAN 773 F.2d 1026  
1035 (9th Cir. 1985) (CA 9) AND "RIPE FOR REVIEW" POSTMAN v. COUNTY OF SAN MATEO  
995 F.2d 898 (9th Cir. 1993), U.S. v. MUNSINGWEAR 340 U.S. 36, 39 (1950), CHAPMAN v.  
CALIFORNIA 17 LED 2105 (1967), BOVIE v. COLUMBIA 12 (4th Cir. 1964), ROBERTAS v.  
U.S. 116 S.Ct. 1657 (1996), ART. I, §9, cl. 2, cl. 3, ART. I, §10, ART. III, §2, ART. III,  
§2, U.S. CONSTITUTION, PUBLIC LAW 100-352, §7, 102 Stat. 662 (1988), SODEN v. JUDICIAL  
CL. KY. 35 LED 443 (1993), LINDH v. MURPHY 117 S.Ct. 2059 (1997), LANDOFF v. USI, U.S. 244, 275,  
n. 21

PLAINTIFF HAS BEEN UNABLE TO COMPLY WITH THE ORDERS OF THIS OR  
OTHER COURTS BECAUSE DEFENDANTS HAVE DELIBERATELY REMOVED HIS LEGAL  
LIS PENDENS RECORDS HE NEEDED TO COMPLY WITH RULES OF COURT AND/OR COURT  
ORDERS AND REFUSED TO RETURN HIS NECESSARY LEGAL RECORDS DESPITE  
NUMEROUS VERBAL AND WRITTEN DEMANDS THEREFOR, ALL IN VIOLATION OF THE CIVIL  
AND CONSTITUTION OF THE UNITED STATES, AS MORE FULLY RELATED AND/OR  
EVIDENCED BY THE FOLLOWING PENDING/PREJUDICED UNITED STATES SUPREME  
COURT DOCKETS ON DIRECT APPEAL (INCLUDING HABEAS CORPUS) (RULES 12.4 and 20.4(c))  
INCORPORATED HERETIN IN FULL JUDICIAL NOTICE, T O W I T:

1. LORENZO ARTEAGA v. USCA9 No. 97-5677	8. LORENZO ARTEAGA v. CALIFORNIA No. 96-9147
2. LORENZO ARTEAGA v. CALIFORNIA No. 96-9573	9. LORENZO ARTEAGA v. USCA9 No. 96-8700
3. LORENZO ARTEAGA v. USCA9 No. 96-9113	10. LORENZO ARTEAGA v. DEN HILL, Warden No. 96-8141
4. LORENZO ARTEAGA v. CALIFORNIA No. 96-9328	11. LORENZO ARTEAGA v. CALIFORNIA (CA9) No. 96-8146
5. LORENZO ARTEAGA v. CALIFORNIA No. 96-9329	12. LORENZO ARTEAGA v. SUPERIOR COURT OF No. 96- [CASE NO. 5059401] (4-16-98)
6. LORENZO ARTEAGA v. CALIFORNIA No. 96-9309	13. LORENZO ARTEAGA v. DANIEL E. LUNDGREN, et al. No. 96- [USCA9 No. 96-16222, 96-16223]
7. LORENZO ARTEAGA v. SANTA ANA No. 96-9196	14. LORENZO ARTEAGA v. SUPERIOR COURT OF No. 96-8288 and 96-8289

MOREOVER, THE FACTS RELATED BY THE COURT ARE AGAIN INTENTLY  
FALSE OR UNTRUE AND ARE AGAIN INTENDED TO DISTORT OR TO CORRUPT THE  
PROCESS OF LAW AND CAUSE FURTHER ACTUAL INJURY AND IRREPARABLE CONSTITUTIONAL  
INJURIES ABOVE REFERENCED. SEE ALSO USCA9 No. 97-16705 FILED SEPT. 15, 1997  
AND CONSOLIDATION IS APPROPRIATE.  
DATED: OCTOBER 2nd 1997 1531 Lm ASD

X AND USCA9 NOS. 95-15723, 95-15724, 95-20113, LORENZO ARTEAGA  
95-15076, 95-15075, 95-15411 OBTAINED BY SIMILAR FRAUDULENT MISDIRECTION/MISREPRESENTATION  
DEFAULTS OBTAINED BY SAME MODUS OPERANDI



**DEPARTMENT OF CORRECTIONS****P. O. Box 942883****Sacramento, CA 94283-0001**

November 24, 1997

Inmate Lorenzo Arteaga  
E-66703  
California State Prison, Corcoran  
P. O. Box 3476  
Corcoran, CA 93212-3476

Dear Inmate Arteaga:

The Governor has asked that I respond to your recent correspondence which you submitted as a notice of "Appellant's Informal Brief." It is not quite clear as to your intent for such notice; however, you convey a case number (97-16705) allegedly filed in the Ninth Circuit United States Court of Appeals.

As stated above relative to the questionable clarity of your intent, I am forwarding your letter to our Legal Affairs Division for their review and information.

I hope this information is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Dakin".

**RICK DAKIN**

**Facility Captain (A)**

**Institution Services Unit**

cc: Pam Smith-Steward, LAD  
George Galaza, COR  
Randy Comfort, COR

WLB  
JAN 16 PAGE 9

No. 97-6749

**ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE  
LORENZO ARTEAGA — PETITIONER

VS.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9

REPLY BRIEF TO GOVERNOR PETE WILSON'S RESPONSE  
DATED NOVEMBER 24, 1997

LORENZO ARTEAGA

4001 KING AVENUE / E-66703  
P.O. BOX 2800

CORCORAN, CA 93212

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY  
AT THE TIME OF FILMING. IF AND WHEN A  
BETTER COPY CAN BE OBTAINED, A NEW FICHE  
WILL BE ISSUED.

Supreme Court, U. S.  
**FILED**  
DEC 19 1997  
CLERK

RECEIVED  
DEC 19 1997  
OFFICE OF THE CLERK,  
SUPREME COURT, U.S.

55



QUESTION(S) PRESENTED

ARE THE FEDERAL STATUTORY AND FEDERAL CONSTITUTIONAL QUESTIONS AND ISSUES RAISED IN PORTMAN V. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993) NOW RIPE FOR REVIEW WHERE PETITIONER, UNLIKE PORTMAN, DOES HAVE STANDING ON DIRECT APPEAL AND DOES RAISE THE SAME ISSUES; INCLUDING DOCUMENTED CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE WITNESSES, TO DENY REASONABLE ACCESS TO THE COURTS OF THE UNITED STATES AND TOTAL LACK OF AVAILABLE REMEDY IN THIS CIRCUIT TO PROTECT CLEARLY ESTABLISHED CIVIL, STATUTORY AND CONSTITUTIONAL RIGHTS SINCE AT LEAST AUGUST 31, 1982?

ARE THE FEDERAL CIRCUIT CONFLICTS PRESENTED BY PORTMAN V. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993) NOW RIPE FOR RESOLUTION BY THE COURT?

IS PETITIONER ENTITLED TO HAVE THE JUNE 11, 1992, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER No. 92-15341, D.C. # CV-91-2534RFP AND/OR PROCEEDING REINSTATED, TO GVR, TO RELEASE ON HIS OWN RECOGNIZANCE WHERE THE DISMISSAL FOR FAILURE TO PROSECUTE SAID APPEAL WAS DELIBERATELY CAUSED BY RESPONDENTS IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY? BRETZ V. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) (en banc); LOGAN V. ZIMMERMAN 71 Fed2d 265 (1982).

LIST OF PARTIES

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PETE WILSON  
DANIEL E. LUNDGREN  
J. CLIFFORD WALLACE  
PETER L. SHAW  
RONALD M. WHYTE  
JAMES WARE  
GREGORY H. WARD  
ROBERT FOLEY  
CHRISTOPHER C. COTTLE  
RONALD LISK  
PROCTER R. HUE  
JOHN T. NOONAN  
THOMAS MADDOCK  
MALCOLM LUCAS  
FERN M. SMITH  
GREGORY G. HOLLOWAY

# TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION .....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	10
CONCLUSION .....	15

## INDEX TO APPENDICES

APPENDIX A	CDC LETTER DATED 8/28/95 DISTORTING AND CORRUPTING THE LEGAL RECORD								
APPENDIX B	CT 1978 No. 161396 (3-24-94)								
APPENDIX C	CT 1957 No. 161396 (3-16-94)								
APPENDIX D	CT 1924-1928A (3-9-94) ATTORNEY GENERAL'S MOTION TO QUASH SUBPOENA AND TO SUPPRESS EVIDENCE								
APPENDIX E	CT 1257 No. 161396 (6-4-93)								
APPENDIX F	U.S. SCt	No.	96-9196	(10-6-97)	PET. FOR CERT. DEN.				
G	"	"	No. 96-9197	(10-6-97)	"	"	"	"	"
H	"	"	No. 96-9328	" " "	"	"	"	"	"
I	"	"	No. 96-9329	" " "	"	"	"	"	"
J	"	"	No. 96-9309	" " "	"	"	"	"	"
K	"	"	No. 96-8700	(6/16/97)	"	"	"	"	"
L	"	"	No. 96-8141	(5/12/97)	"	"	"	"	"
M	"	"	No. 96-8146	(5/12/97)	"	"	"	"	"
N	"	"	No. 97-5677	(10-20-97)	"	"	"	"	"
O	"	"	No. 96-9113	(10-6-97)	"	"	"	"	"

APPENDIX P NOTICE OF APPEAL NO. JO98982, JO98981, JO98981  
DATED 9-18-96

APPENDIX Q U.S. SCt CLERK'S 8-14-97 RE CASE NO. SO59401,  
CAAD6 NO. H016397

APPENDIX R CT 677, 678, 679, 1029, 1030

APPENDIX S ORIGINAL COMPLAINT NO. C-84-47195 FILED  
4/30/84

APPENDIX T INFORMATION NO. 125303 FILED 11-22-88  
(RE-FILED AGAIN 4 YEARS LATER)

APPENDIX U VERDICT NO. 138120 FILED 7-24-90  
CT 481, 482

APPENDIX V EX PARTE TAMPERING WITH LEGAL RECORD ON  
7-5-90 BY DA NOT DISCOVERED UNTIL  
8-20-96; LTR SDAP DATED 8/20/96

APPENDIX W CASE NO. SO20235 FILED 8-12-92



IN THE  
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below

OPINIONS BELOW

✓ For cases from federal courts

The opinion of the United States court of appeals appears at Appendix A to the PETITION FILED ON MAY 20, 1997 [57-1] [95-80113], and at Appendix A, B and C to the petition filed on AUGUST 25, 1997 and placed on the docket NOVEMBER 14, 1997 as a petition for a writ of habeas corpus, docketed as LORENZO ARTEAGA, Petitioner v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749: All USCA9 opinions — except the opinion at Appendix C [USCA9 Nos. 96-16222, 96-16223, 95-15075, 95-15076] Attached to the habeas corpus petition filed AUGUST 25, 1997, supra, relate back to an unconstitutional self-styled OSC case number assigned #95-80113 [1] filed 3/28/95 [2] [95-80113] by Appellate Commissioner PETER L. SHAW. The resultant proceedings were irreparably tainted and prejudiced as founded upon a distorted and corrupted OSC which sought to suppress and conceal material facts by listing case docket numbers ONLY but failing and refusing to provide a true copy of the underlying order(s), decisions and/or judgments necessary for the purposes of adequate notice and service of process; especially concealing and suppressing habeas corpus proceeding and orders No. 92-15341 filed June 11, 1992, et seq., D.C. # CV-91-2534-RFP, to the present time (which proceeding required immediate reversal under Ninth Circuit precedent). Former Chief Judge J. CLIFFORD WALLACE incorporated the OSC's Federal Statutory (28 USC §1654) and Constitutional deficiencies and issued a "PRE-FILING REVIEW ORDER" in violation of the Federal Rules of Appellate Procedure Rule 47(a)(1), 47(a)(2), and which was wholly inapplicable to the facts of the instant case which was then, and still is, on direct appeal; PRE-FILING REVIEW order filed MAY 5, 1995 [5-1] [USCA9 #95-80113] in violation of LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275, n. 29 (1994), LINDH v. MURPHY 117 S.Ct. 2059 (1997), BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985), LOGAN v. ZIMMERMAN 71 Fed.2d 265 (1982), IZARRY v. VASQUEZ — Fed. (9th Cir. 1990), Current Chief Judge PROCTER R. HUG and Circuit Judge JOHN T. NOONAN concurred in the MAY 5, 1995 order.

JURISDICTION

✓ For cases from federal courts

The date on which the United States Court of Appeals decided my case was APRIL 24, 1997 [47-1], FEBRUARY 21, 1997 [41-1], JANUARY 9, 1997 [36] 7/17/97 [59], 8/1/97 [60], 8/28/97 [65] AND MOST RECENTLY 11/19/97 [ ]

ALL DECISIONS ADMITTEDLY RELATED BACK TO USCA9 Case Number assigned 95-80113 [1-1] filed 3/22/95 based upon Appellate Commissioner PETER L. SHAW's self-styled OSC filed 3/28/95 [2] which issued immediately in vindictive retaliation for petitioner's APPLICATION No. A-705 to this Honorable Supreme Court allowing petitioner's first-ever petition for writ of certiorari filed C. 2/21/95 docketed as U.S. Supreme Court No. 94-9212.

All further USCA9 proceedings were irreparably tainted and unconstitutionally prejudiced as founded upon a distorted and corrupted 3/28/95 OSC which issued to suppress and to conceal material facts, especially USCA9 habeas corpus proceeding No. 92-15341, D.C. # CV-91-2534-RFP AND ORDER filed June 11, 1992, and so resulted in the following additionally (and admittedly) distorted decisions in my case:

"PRE-FILING REVIEW ORDER" in violation of F.R.A.P. rules 47(a)(1), 47(a)(2). Filed on MAY 5, 1995 [5] in violation of Public Law 100-352, §7, 102 Stat. 662 (1988); ART. I, §9, cl. 2, cl. 3, ART. III, ART. IV, §2, ART. VI, §2, and violation of 1st, 4th, 5th, 6th, 8th and 14th Amendments, U.S. CONSTITUTION; 28 USC §1654, 1332, 1343, 1443, 2241-2254, 2255 et al., LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275, n. 29 (1994), LINDH v. MURPHY 117 S.Ct. 2059 (1997), BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) en banc, LOGAN v. ZIMMERMAN 71 Fed.2d 265 (1982) AND UNCONSTITUTIONAL DECISIONS BASED THEREON; TO WIT:

6/29/95 [7]	7/20/95 [10]	9/22/95 [15]	9/22/95 [16]	DOCKET ENTRIES
12/8/95 [18]	2/9/96 [22]	2/9/96 [23]	3/14/96 [26]	AS OF 9/12/97
7/12/96 [30]	1/9/97 [36]	2/21/97 [41]	4/24/97 [47]	IN USCA9
7/17/97 [59]	8/1/97 [60]	8/28/97 [65]	11/19/97 [ ]	NO. 95-80113

A separate petition has been submitted as to the 11/19/97 [ ] USCA9 ORDER and mandate which issued instant and continues to unconstitutionally impair and prejudice all pending proceedings before this Honorable Court.

For example: 4/24/97 [47], 2/21/97 [41], 7/17/97 [59] and HABEAS CORPUS ORDER 8/1/97 [60] all impaired and unconstitutionally prejudiced U.S. Supreme Court Petition No. 96-9513 and the whole thereof, including overt acts precluding compliance with this Court's specific 10/6/97 ORDERS and resultant CONSTITUTIONAL INJURY for petitioner's NOW WILLFUL FAILURE to comply on 10/27/97 to date and to U.S. No. 97-5677 (denied 10/20/97) and No. 96-9113 filed 5/22/97, DENIED 10/6/97, and A-314 DENIED 10/30/97 (ARTEAGA v. WILSON, Gov. CALIFORNIA, USCA9 Nos. 96-16222 and 96-16223 and CALIFORNIA S.Ct. No. S059401; NOT FILED: (10/28/97), et al.

MOREOVER, USCA9 Nos. 96-16222 and 96-16223 ARISING ON DIRECT APPEAL OUT OF USDC N CA Nos. CV-94-1575-FMS: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al. AND CV-94-3046: LORENZO ARTEAGA v. PETE WILSON PRE-DATE UNCONSTITUTIONALLY DISTORTED USCA9 DOCKET ENTRIES AND ORDERS Nos. 95-80113, AND USDC N CA No. CV-97-20665-RMW AND CV-97-2622-FMS AND CIV-97-1728 GEBGGH ARE ACTUALLY THE SUBJECT OF COMPLAINT(S) AND APPLICATION No. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, DENIED 10/30/97 CRILE 22.4) AND A PETITION FOR REHEARING IS PENDING AS WELL AS THE SEPARATELY SUBMITTED PETITION FOR WRIT OF CERTIORARI (11/23/97) AND RELATED PETITIONS FOR REHEARING IN U.S. SUPREME COURT NOS. 96-9513, 97-5677, 96-9113 BASED UPON 28 USC §1254(1) JURISDICTION AND SUPREME COURT NOS. 96-9196, 96-9197, 96-9328, 96-9329, 96-9309 BASED UPON 28 USC §1257(a) JURISDICTION: ALL MULTIPLICITY OF ACTIONS CAUSED BY UNCONSTITUTIONAL 3/28/95 OSC AND 5/5/95 et seq. USCA9 ORDERS WHICH CONTINUE TO IRREPARABLY IMPAIR, HINDER, DELAY, IMPEDE, OBSTRUCT AND PREJUDICE ALL PAST AND PRESENT AND PENDING LITIGATION BEFORE THIS HONORABLE COURT ON DIRECT APPEAL AND FEDERAL AND STATE HABEAS CORPUS IN VIOLATION OF THE PRESUMPTION AGAINST STATUTORY RETROACTIVITY (LANDGRAF, LINDH, et al.) AND VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES, F.R.A.P. R-47(a)(1), (a)(2), et al.

✓ This BRIEF is intended to comply with the Court's 10/6/97 ORDER and is so respectfully submitted; alternatively under Rules 15, 17, 18, 10 AND/OR 25, 5 in conjunction with 97-6749 (HABEAS) AND/OR 97-5677, 96-9328, 96-9196, 96-9197, 96-9329, 96-9309 AS SAID APPENDICES ARE AT ISSUE HEREIN.

✓ The jurisdiction of this Court is invoked under 28 USC §1254(1) and/or ORIGINAL JURISDICTION under ART. III of the CONSTITUTION OF THE UNITED STATES.

\* ALSO A SEPARATE PETITION HAS BEEN SUBMITTED AS TO THE USCA9 TIME SCHEDULE ORDER FILED 9/15/97 (FOR WRIT OF CERTIORARI) TO PRECLUDE IT FROM EVADING REVIEW.

# CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

GARLOTTE v. FORDICE 115 Sct 1948, 115 LEd 876, 878 (1995)  
 UNITED STATES v. TAYLOR 648 F2d 565 (9th Cir 1981)  
 PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir 1999)  
 BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir 1985) (en banc)  
 BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 93 Sct 1123 (1973)

SAME AS IN PETITION

# STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS CONTAINED IN MY PENDING PETITION FOR WRIT OF HABEAS CORPUS FILED AUGUST 25, 1996 AND DOCKETED ON NOVEMBER 14, 1997 AS LORENZO ARTEAGA v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749; AND IN MY "DECLARATION OF LORENZO ARTEAGA" DATED NOVEMBER 11, 1997, ESSENTIALLY AS FOLLOWS.

ON SUNDAY OCTOBER 26, 1997 I WAS ABLE TO FILE ONLY MY ORIGINAL APPELLANT'S/PETITIONER'S OPENING BRIEF OTHERWISE IN COMPLIANCE WITH THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (USCA9) ACTION No. 97-16705: LORENZO ARTEAGA, PLAINTIFF-APPELLANT v.s. DANIEL E. LUNDGREN, et al. TIME SCHEDULE ORDER FILED ON SEPTEMBER 15, 1997 (APPENDIX A)\* BUT I WAS NOT PERMITTED TO COMPLY WITH THE UNITED STATES SUPREME COURT ORDERS ENTERED ON OCTOBER 6, 1997 IN DOCKET No. 96-9513: LORENZO ARTEAGA v. CALIFORNIA (APPENDIX B)\* FOR THE REASONS STATED IN MY BRIEF IN USCA9 No. 97-16705 AND IN PETITIONS FOR RECONSIDERATION IN UNITED STATES SUPREME COURT No. 96-9513 AND 97-5677 (DIRECT APPEAL AND HABEAS CORPUS) AND APPLICATION No. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA (THWARTED USCA9 NOS. 96-16222 AND 96-16223 REMOVED FROM 95-15075 AND 95-15076 TO DISTORT AND TO CORRUPT THE PROCESS OF LAW OUT OF UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA D.C. NOS. C-94-1575-FMS AND C-94-3046-FMS (USDC N CA) CONSOLIDATED FEBRUARY-MARCH 1995).

WITH FULL KNOWLEDGE OF THE FOREGOING PROCEEDINGS AND EXISTING U.S. COURT ORDERS AND IN DEUBERATE CONTEMPT OF SAID U.S. COURT ORDERS, DEFENDANTS AND RESPONDENTS PETE WILSON, DANIEL E. LUNDGREN, THOMAS MADDOCK, GARY LINDSEY, GEORGE M. GALAZA, INDIVIDUALLY

\* TO THE SEPARATELY FILED/SUBMITTED PETITION FOR WRIT OF CERTIORARI



1 AND IN THEIR OFFICIAL CAPACITIES DID CONSPIRE TO REMOVE AND WITHHOLD ALL  
2 OF MY PENDING LOWER COURT ORDERS AND RECORDS AND STATIONERY AND TO  
3 DENY ME ACCESS TO THE PRISON LAW LIBRARY AND THEN PROCEEDED TO  
4 EFFECT THE OBJECT OF THEIR CONSPIRACY BY TRANSFERRING ME FROM  
5 SALINAS VALLEY STATE PRISON TO CORCORAN STATE PRISON WHERE THEY  
6 REFUSED AND FAILED TO THE PRESENT TIME <sup>TO</sup> RETURN MY LEGAL RECORDS AND  
7 REFUSED TO PERMIT ME STATIONERY OR LAW LIBRARY ACCESS. SEE  
8 USDC N CA Nos. C-97-2622-FMS (FILED 7/16/97) REASSIGNED AND  
9 TRANSFERRED TO C-97-20665-RMW BY A "REASSIGNMENT ORDER"  
10 entered in the COMPUTER 7/29/97 THE DAY BEFORE THE ORDER WAS  
11 DATED 7-30-97; AND ON 9/12/97 A RELATED 42 USC §1983 WAS FILED  
12 IN USDC E CA (SACRAMENTO) DOCKETED AS No. CIV-S-97-1728 GEBGGH  
13 WHICH ON DECEMBER 2, 1997 TRANSFERRED SAID ACTION: LORENZO ARTEAGA  
14 V. DANIEL E. LUNDGREN, et al., BACK TO THE UNITED STATES DISTRICT  
15 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA EVEN THOUGH THE  
16 EASTERN DISTRICT SACRAMENTO COURT ADMITTED THAT "VENUE OF THIS  
17 ACTION IS TECHNICALLY APPROPRIATE IN THE EASTERN DISTRICT OF CALIFORNIA  
18 BECAUSE THE GOVERNOR OF CALIFORNIA, THE ATTORNEY GENERAL, AND THE  
19 DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS RESIDE IN THIS  
20 DISTRICT." [8-1] [CIV-S-97-1728 GEBGGH P].

21 ON THE SAME DAY, DECEMBER 2, 1997 THE UNITED STATES DISTRICT  
22 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA IN PENDING CASES SINCE  
23 LORENZO ARTEAGA V. CALIFORNIA DEPARTMENT OF CORRECTIONS (FILED 5/5/94)  
24 No. C-94-1575-FMS, LORENZO ARTEAGA V. PETE WILSON <sup>C94-2046-FMS</sup> (FILED 8/26/94)  
25 AND RELATED Nos. C-94-4466-FMS AND C-95-64-FMS (FILED NOV. 94-  
26 JAN. '95) FILED AND SERVED ALL PARTIES OF RECORD WITH AN ORDER  
27 ENTITLED: ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS/PROHIBITION  
28 AND HABEAS CORPUS; DENYING MOTION TO RECONSIDER OR  
ALTERNATIVE MOTION TO VACATE ORDERS; DENYING PETITION FOR  
WRIT OF ERROR CORAM NOBIS; AND DENYING MOTION FOR  
TRANSCRIPTS AT GOVERNMENT EXPENSE

1 THE USDC E CA FORGOT TO MENTION THAT VENUE OF THIS ACTION  
2 IS NOT ONLY TECHNICALLY APPROPRIATE IN THE EASTERN DISTRICT OF CALIFORNIA  
3 BECAUSE THE GOVERNOR OF CALIFORNIA, THE ATTORNEY GENERAL, AND THE  
4 DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS RESIDE IN THIS  
5 DISTRICT BUT ALSO BECAUSE THE COMPLAINT REGARDING THESE SAME  
6 DEFENDANTS, PETE WILSON, DANIEL E. LUNDGREN AND THOMAS MADDOCK  
7 WAS FILED ON MAY 30, 1996 [1-1] [#96-CV-5670] ENTITLED:  
8 LORENZO ARTEAGA V. DANIEL E. LUNDGREN, et al. ORIGINALLY DOCKETED  
9 IN THE SAME EASTERN DISTRICT AT SACRAMENTO, CALIFORNIA AS No.  
10 CIV-96-1047 DFL JFM P. DOCKET ENTRY NUMBER 2, ON JUNE 24,  
11 1996 (EVIDENCED AS OF THE DOCKET ON APPEAL TO THE USCA9 OF  
12 SEPTEMBER 4, 1997 2:35 PM), TO-WIT:

13 ORDER BY MAGISTRATE JUDGE JOHN F. MOULDS: THIS COURT  
14 HAS NOT RULED ON PLTF'S REQUEST TO PROCEED IN FORMA  
15 PAUPERIS IN 2:96-CV-1047 DFL JFM P; TRANSFERRING  
16 CASE TO THE FRESNO DIVISION; CASE REASSIGNED TO  
17 JUDGE OLIVER W. WANGER; CASE REFERRED TO MAGISTRATE  
18 JUDGE DENNIS L. BECK (CC: ALL COUNSEL) (VC)  
19 [2-1] [#96-CV-5670]

20 AND FAMILIAR DOCKET ENTRIES:

21 6/26/96 4 MOTION FOR WRIT OF MANDATE/PROHIBITION BY PLA ARTEAGA (Jg)  
22 [ENTRY DATE 07/05/96]  
23 7/15/96 5 ORDER BY MAGISTRATE BECK DISMISSING THE COMPLAINT [1-1]  
24 CASE MGMT ddi set for 8/15/96 TO FILE AN AMENDED COMPLAINT  
25 AND NEW APPLICATION TO PROCEED IN FORMA PAUPERIS (CC: ALL COUNSEL) (CH)  
26 8/19/96 6 AMENDED COMPLAINT BY PLAINTIFF LORENZO ARTEAGA; JURY DEMAND  
27 (CH) [ENTRY DATE 08/20/96]  
28 ...  
29 11/1/96 11 MOTION TO COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS  
30 BY PLAINTIFF LORENZO ARTEAGA [Entry date 11/04/96]  
31 11/1/96 12 DECLARATION OF LORENZO ARTEAGA IN SUPPORT OF MOTION TO COMPEL  
32 [11-1] (Fg) [Entry date 11/05/96]  
33 12/2/96 13 ORDER BY MAGISTRATE JUDGE HOLIS G. BEST STRIKING motion TO  
34 COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS BY PLAINTIFF  
35 LORENZO ARTEAGA [11-1] STRIKING DECLARATION [12-1]  
36 (CC: ALL COUNSEL) (Fg) [ENTRY DATE 12/03/96]



1 12/16/96 14 REQUEST BY PLAINTIFF LORENZO ARTEAGA FOR REHEARING OF ORDER STRIKING  
2 MOTION TO COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS BY  
3 PLAINTIFF LORENZO ARTEAGA T.11-1] AND DECLARATION (Fg) [ENTRY DATE 12/18/96]  
4  
5 1/21/97 15 FINDINGS AND RECOMMENDATIONS BY MAGISTRATE JUDGE DENNIS L. BECK RECOMMENDING  
6 THAT ACTION BE DISMISSED CASE MGMT Dd1 SET FOR 2/21/97 TO FILE  
7 OBJECTIONS (cc: ALL COUNSEL) (Fg)  
8  
9 2/6/97 16 OBJECTIONS BY PLAINTIFF LORENZO ARTEAGA TO MAGISTRATE JUDGE'S FINDINGS  
10 AND RECOMMENDATIONS AND ORDER STRIKING MOTION TO COMPEL DIS-1],  
11 [13-1] (Fg) [ENTRY DATE 02/07/97]  
12  
13 2/19/97 17 ORDER BY MAGISTRATE JUDGE BECK STRIKING MOTION FOR WRIT OF MANDATE/  
14 PROHIBITION BY PLA ARTEAGA [4-1] (cc: ALL COUNSEL)  
15  
16 3/6/97 18 NOTICE OF APPEAL BY PLAINTIFF FROM DISTRICT COURT DECISION (Fee Status  
17 IFP) (1m) [ENTRY DATE 03/10/97]  
18  
19 3/28/97 19 NOTICE OF APPEAL BY PLTF LORENZO ARTEAGA FROM DISTRICT COURT DECISION  
20 (Fee status In Forma Pauperis) (h1) [ENTRY DATE 03/31/97]  
21  
22 3/28/97 20 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL  
23 TO 9th Circuit Court of Appeals COPY OF APPEAL AND CERTIFIED COPY OF  
24 DOCKET SHEET TO ALL PARTIES (1m) [ENTRY DATE 04/07/97]  
25  
26 4/7/97 21 CERTIFICATE OF RECORD TRANSMITTED TO 9th Circuit [19-1] (notice sent) (1m)  
27  
28 4/7/97 22 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL  
TO 9th Circuit Court of Appeals COPY OF APPEAL AND CERTIFIED COPY OF  
DOCKET SHEET TO ALL PARTIES (1m)  
4/7/97 23 CERTIFICATE OF RECORD TRANSMITTED TO 9th Circuit [18-1] (notice sent) (1m)  
5/1/97 24 ORDER BY JUDGE OLIVER W. WANGER ORDERING DISMISSING CASE  
(cc: ALL COUNSEL) (1m) [ENTRY DATE 05/06/97]  
5/6/97 25 JUDGMENT ENTERED FINDINGS AND RECOMMENDATIONS ISSUED BY THE MAGISTRATE  
JUDGE ON 1/21/97, ARE HEREBY ADOPTED IN FULL AND IT IS ORDERED AND  
ADJUDGED THAT THIS ACTION IS DISMISSED WITHOUT PREJUDICE  
(cc: ALL COUNSEL) (1m)  
5/9/97 26 PETITION FOR REHEARING, CLARIFICATION, JUDICIAL NOTICE BY PLAINTIFF  
LORENZO ARTEAGA (h1) [ENTRY DATE 05/12/97]  
5/15/97 27 NOTICE OF APPEAL BY PLAINTIFF LORENZO ARTEAGA FROM DISTRICT COURT DECISION  
(Fee Status FP) (h1) [ENTRY DATE 05/16/97]  
5/27/97 28 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL  
AND APPEALED 5/6/97 JUDGMENT TO 9th Circuit Court of Appeals COPY OF  
APPEAL AND CERTIFIED COPY OF DOCKET SHEET TO ALL PARTIES (1m)  
5/27/97 29 CERTIFICATE OF RECORD TRANSMITTED TO 9th Circuit [27-1] (notice sent) (1m)  
7/28/97 30 MEMORANDUM, OPINION AND ORDER: BY JUDGE OLIVER W. WANGER PETITION FOR  
REHEARING [26-1] DENIED; JUDGMENT AS ENTERED ON 5/6/97 AFFIRMED  
(cc: ALL COUNSEL) (11) [ENTRY DATE 07/30/97]

1 9/2/97 31 NOTICE OF APPEAL BY PLAINTIFF FROM DISTRICT COURT DECISION (Fee Status  
2 IN FORMA PAUPERIS) (1m) [ENTRY DATE 09/03/97]  
3  
4 9/4/97 32 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL  
5 TO 9th Circuit Court of Appeals COPY OF APPEAL FILED 7/28/87, (sic)  
6 AND CERTIFIED COPY OF DOCKET SHEET TO ALL PARTIES (1m)  
7  
8 9/4/97 33 CERTIFICATE OF RECORD TRANSMITTED TO 9th Circuit [31-1]  
9 (notice sent) (1m)  
10  
11 From SEPTEMBER 15, 1997 TO OCTOBER 31, 1997 I HAD TO USE PAPER  
12 BAGS TO WRITE TO THE SUPREME COURT OF THE UNITED STATES AND TO THE USCA9  
13 AND OTHERS AS RESPONDENTS/DEFENDANTS CONTINUED AND CONTINUE TO DELIBERATELY  
14 OBSTRUCT AND VIOLATE UNITED STATES COURT ORDERS AND TO IMPEDE, HINDER,  
15 IMPAIR, THWART, OBSTRUCT, DELAY AND/OR PREJUDICE MY FEDERAL STATUTORY  
16 AND CONSTITUTIONAL AND CIVIL RIGHTS AS A CITIZEN OF THE UNITED STATES  
17 TO REASONABLE ACCESS TO THE COURTS, INCLUDING THIS PETITION AND  
18 PROCEEDING AND LEGAL REDRESS ON DIRECT APPEAL. CHAPMAN v.  
19 CALIFORNIA 17 Led 2d 705 (1967); ORNELAS v. U.S. 116 SCT 1657 (1996)  
20 CONSTITUTIONAL HARMLESS ERROR ANALYSIS AND DE NOVO REVIEW ARE THE  
21 APPLICABLE STANDARDS OF REVIEW RESPONDENTS HAVE SO CONSPIRED TO EVADE  
22 AND CIRCUMVENT BY THEIR CONSPIRACY AND OVERT ACTS INITIALLY AND TIMELY  
23 DOCUMENTED IN USDC N CA NOS. C-90-20326-RFP (HABEAS CORPUS) AND  
24 C-90-20257-RFP (42 USC § 1983) AND TIMELY DIVERSITY ACTIONS NOS.  
25 C-91-0583 RFP AND C-91-0594 RFP, BRIEFED IN OSCAS NOS. 97-16705,  
26 AND IN 95-15075, 95-15076, 95-15723, 95-15724, 95-15411: ALL  
27 SUBMITTED BRIEFS DISMISSED BY INTRINSIC AND EXTRINSIC FRAUD IN  
28 MARCH - JUNE 1995; AND NOW RESPONDENTS SEEM TO HAVE EFFECTED  
THE OBJECT OF THEIR LONG-STANDING CONTINUOUS COURSE AND CONDUCT  
CONSPIRACY BY FORCING ANOTHER SUBSTANTIVE AND PROCEDURAL DEFAULT  
TO MY BRIEF SUBMITTED OCTOBER 26, 1997 PURSUANT TO HOUSTON  
v. LACK (1989) — U.S. — AND F.R.A.P. R. 25(a)(2)(C).



1 STATIONERY WAS ONLY ONCE REASONABLY PROVIDED: ON OCTOBER 31,  
2 1997 RESPONDENTS FINALLY ALLOWED ME TO OBTAIN SOME OF MY OWN  
3 STATIONERY BUT ONLY AFTER THEY KNEW ACTUAL PREJUDICE AND  
4 CONSTITUTIONAL INJURY HAD ACCRUED TO U.S. SUPREME COURT DOCKET  
5 NO. 96-9513 AND USCA9 NO. 97-16705, AND U.S. SUPREME COURT  
6 APPLICATION NO. A-314 AND DEFAULT IN CALIFORNIA SUPREME COURT  
7 NO. S059401, CALIFORNIA COURT OF APPEALS SIXTH APPELLATE  
8 DISTRICT NO. H016397 AND SO EFFECTED THE OBJECT OF THEIR CON-  
9 SPIRACY WHEN THESE DIRECT APPEALS AND USCA9 NOS. 96-16222, AND  
10 96-16223; LORENZO ARTEAGA V. PETE WILSON, GOVERNOR OF CALIFORNIA  
11 AND LORENZO ARTEAGA V. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al.  
12 WERE SO VIOLENTLY AND FRAUDULENTLY BLOCKED AND DEFAULTED.

13 DURING THIS ONE-TIME CENSORED ACCESS TO PARTIAL LEGAL RECORDS  
14 I DISCOVERED THE FOLLOWING USCA9 ORDER FILED JUNE 11, 1992, DOCKET  
15 NO. 92-15341, D.C.# CV-91-2534-RFP NORTHERN CALIFORNIA NOT  
16 EARLIER DELIVERED TO OR RECEIVED BY ME UNTIL OCTOBER 31, 1997 DUE  
17 TO RESPONDENTS' DELIBERATE ON-GOING OBSTRUCTION, TO-WIT:

18 UNITED STATES COURT OF APPEALS  
19 FOR THE NINTH CIRCUIT

**FILED**

JUNE 11 1992

20 LORENZO ARTEAGA,  
21 PETITIONER-APPELLANT,

VS.

22 FRANK LESLIE HALL, DIRECTOR OF SANTA  
23 CLARA COUNTY DEPT. OF CORRECTIONS,  
24 RESPONDENT-APPELLEE.

25 NO. 92-15341  
26 D.C.# CV-91-2534-RFP  
27 NORTHERN CALIFORNIA  
28 ORDER

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

BEFORE: FLETCHER AND LEAVY, CIRCUIT JUDGES

APPELLANT'S MOTION FOR A STAY OF THE APPELLATE  
PROCEEDING PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION  
OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

APPELLANT'S MOTION FOR BAIL PENDING THE CALIFORNIA  
SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT  
OF HABEAS CORPUS IS DENIED.

APPELLANT'S OPENING BRIEF AND EXCERPTS OF RECORD ARE DUE  
AUGUST 5, 1992; APPELLEE'S BRIEF IS DUE SEPTEMBER 4, 1992;  
THE REPLY BRIEF, IF ANY, IS DUE SEPTEMBER 18, 1992.

CR CAL 6/10/92 SP-B

# REASONS FOR GRANTING THE PETITION

1 ON OR ABOUT JUNE 11, 1992 — THE DATE THE USCA9 ORDER IN HABEAS  
2 CORPUS DOCKET NO. 92-15341, D.C.# CV-91-2534-RFP, RENUMBERED FROM  
3 C.90-20326 RFP, WAS FILED — RESPONDENTS AND APPELLEE'S PETE WILSON  
4 GOVERNOR OF CALIFORNIA, DANIEL E. LUNDGREN, STATE ATTORNEY GENERAL,  
5 AND THEIR ALTER EGO CALIFORNIA BOARD OF PRISON TERMS AND APPOINTEES  
6 COMMISSIONER R. BEEKMAN, DEPUTY COMMISSIONER'S ERNIE CALDERON,  
7 (916) 322-6717, DOE VASQUEZ AND OTHER HIGH LEVEL CALIFORNIA  
8 OFFICIALS DELIBERATELY CAUSED ME TO BE INJECTED WITH AN  
9 OVERDOSE OF TUBERCULIN. THIS OVERT ACT WAS IN FURTHERANCE  
10 OF THEIR PRIOR OVERT ACTS AND EXTENSION OF CONSPIRACY IN  
11 HAVING SET ME UP IN THE HOLE AT SUSANVILLE STATE PRISON IN  
12 NOVEMBER 1991 TO OBSTRUCT U.S. SUPREME COURT ORDERS IN A-594,  
13 A-21, A-22, A-23, A-794, et al., AND SO HAVING MALICIOUSLY  
14 HOUSED ME WITH A GUY WHO HAD TUBERCULOSIS FOR 3-4 MONTHS  
15 UNTIL THEY AGAIN TRANSFERRED ME TO TEHACHAPI STATE PRISON ON  
16 FEBRUARY 28, 1992 WHEN THE HONORABLE SANDRA DAY O'CONNOR  
17 HAD GRANTED ME AN EXTENSION OF TIME TO FILE A PETITION FOR  
18 WRIT OF CERTIORARI TO MARCH 10, 1992 WHICH WAS SO DELIBERATELY  
19 OBSTRUCTED AND DEFAULTED BY SUCH RECORDS' REMOVALS.

20 THE TUBERCULIN INJECTION WAS INTENDED TO EFFECT THE SAME  
21 CONSPIRACY — SENDING ME TO BAKERSFIELD COUNTY HOSPITAL EMERGENCY  
22 CARE FOR ALMOST A WEEK IN ORDER TO REMOVE ALL OF MY PENDING  
23 LEGAL RECORDS AND USCA9 NO. 92-15341 ORDER TO DELIBERATELY  
24 VIOLATE, IMPEDE, HINDER, DELAY OR OBSTRUCT SAID U.S. COURT ORDER BY  
25 CONSPIRACY AND CONSPIRACY TO COMMIT MURDER AND OVERT ACTS IN  
26 FURTHERANCE OF CONSPIRACY TO CAUSE GREAT BODILY INJURY, MAYHEM  
27 OR DEATH TO DISTORT AND TO CORRUPT THE PROCESS OF LAW,

28 ON OR ABOUT JULY 11, 1992 RESPONDENTS PETE WILSON,



1 GOVERNOR OF CALIFORNIA, DANIEL E. LUNDGREN, STATE ATTORNEY GENERAL, R. BEEKMAN,  
2 ERNIE CALDERON, DOE VASQUEZ AND OTHER HIGH LEVEL PRISON OFFICIALS  
3 OF THE LEGAL PROCESSING UNIT IN SACRAMENTO, CALIFORNIA PLACED  
4 ONE OF THEIR VIOLENT PROGRAMMED INMATES IN MY CELL AT TEHACHA STATE  
5 PRISON TO BEAT ME UP AND FABRICATE A "CELL FIGHT" TO AGAIN REMOVE  
6 THE USCA9 No. 92-15341 COURT ORDER AND FALSELY LOCK ME UP IN  
7 THE HOLE TO HAVE SO THREATENED, INTIMIDATED, COERCED AND BY SUCH  
8 OVERT ACTS OF EXTREME VIOLENCE AND UNNECESSARY EXCESSIVE  
9 FORCE HAVE FORCED ME TO SIGN PAROLE PAPERS (AS I AM AGAIN  
10 TODAY FRAUDULENTLY SET-UP IN THE HOLE AFTER BEING  
11 BEAT UP WHILE I WAS HANDCUFFED AND LATER ACTS OF MAYHEM ON  
12 8/18/97 - TO OBSTRUCT CASC No. 5059401 PETITION FOR WRIT OF  
13 CERTIORARI - RESPONDENTS' INMATE EMPLOYEE CAUSED ME 15 STITCHES  
14 ON MY HEAD WHILE I WAS IN THE HOLE AT SALINAS VALLEY STATE  
15 PRISON IN VIOLATION OF 18 USC §§ 373, 241-242, 1509, 1512, 1513,  
16 42 USC §§ 1986, 1985(2), 1985(3), 1983) TO HAVE REMOVED ALL OF MY  
17 PENDING LEGAL RECORDS AND LOWER COURT ORDERS BY CONSPIRACY AND  
18 OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE  
19 ME FOR PETITIONING THE COURTS OF THE UNITED STATES FOR LEGAL  
20 REDRESS AS PROVIDED BY LAW IN EXTENSION OF RESPONDENTS'  
21 CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW  
22 UNDER COLOR OF AUTHORITY.

23 ON AUGUST 5, 1992 I SIGNED PAROLE PAPERS WITHOUT KNOWLEDGE  
24 OF THE USCA9 No. 92-15341 COURT ORDER AND UNDER DURESS FOLLOWING  
25 AN UNCONSTITUTIONAL CALIFORNIA BOARD OF PRISON TERMS HEARING ORDERED  
26 BY PETE WILSON, DANIEL E. LUNDGREN, R. BEEKMAN, ERNIE CALDERON  
27 AND THEIR APPOINTED COMMISSIONER AND DEPUTY COMMISSIONERS CONVENED  
28 WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION OR AUTHORITY.

1 ON JULY 14, 1992 AT WHICH HEARING THE GOVERNOR ORDERED ME TO SIGN  
2 PAROLE PAPERS. WHEN I REFUSED TO SIGN BECAUSE, AS I TOLD  
3 COMMISSIONER R. BEEKMAN: I HAD ALREADY ON JUNE 12, 1992 —  
4 THE DAY AFTER USCA9 No. 92-15341 HABEAS CORPUS ORDER WAS FILED —  
5 FULLY EXACTED, AND AT THE JULY 14, 1992 HEARING HAD OVER-EXACTED  
6 MY COURT-ORDERED 2 YEAR, 4 MONTH PRISON SENTENCE AND WAS  
7 BEING IMPRISONED WITHOUT ANY COURT ORDER OR LEGAL CAUSE OR  
8 LEGAL PROCESS. NEVERTHELESS, THE GOVERNOR'S BPT, WHICH HAD NO  
9 JURISDICTION, AS I WAS NOT AND AM NOT A LIFER AND HAD NO ADMINISTRAT-  
10 IVE LAW ON THE MATTER PER RESPONDENT DANIEL LUNDGREN'S LEGAL COUNSEL  
11 OPINION ORDERED ME CONFINED IN STATE PRISON AT TEHACHA FOR  
12 4 MORE YEARS, IN 6 MONTH INCREMENTS, AND TOLD ME THAT RESPONDENTS  
13 PETE WILSON AND DANIEL LUNDGREN COULD AND WOULD CONTINUE TO KEEP  
14 ME IN PRISON IN THE HOLE WITHOUT FAMILY VISITS, NO PHONE CALLS,  
15 NO LAW LIBRARY, FOR 4 MORE YEARS WITHOUT ANY LEGAL COURT  
16 ORDER OR JUDICIAL PROCESS.

17 THE WRITTEN RECORD OF THIS PROCEEDING WAS FILED IN CAAD6  
18 No. H010082 (7-29-92), H010095 (8-6-92) AND H009739 AND THE SAME  
19 COURT REFUSED TO TAKE JUDICIAL NOTICE OF SAID UNCONSTITUTIONAL PROCEEDING  
20 ON DIRECT APPEAL No. H012729 (5/24/96 ORDER) AND THE USCA9 ALSO  
21 REFUSED TO TAKE JUDICIAL NOTICE AT FOOTNOTE 1 FILED 7/21/97 IN  
22 USCA9 Nos. 96-16222 AND 96-16223 NOW AT-ISSUE IN THIS HONORABLE  
23 COURT IN APPLICATION No. A-314 AND SEPARATELY SUBMITTED PETITION FOR  
24 WRIT OF CERTIORARI: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR  
25 OF CALIFORNIA AND LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT  
26 OF CORRECTIONS, et al. THE CDC CHRONOLOGICAL HISTORY  
27 SHEET DATED 6-22-92 IS ATTACHED \_\_\_\_\_

28 ON AUGUST 6, 1992 I WAS SUPPOSEDLY PAROLED BUT IN CONSPIRACY



1 AND EXTENSION OF CONSPIRACY RESPONDENTS HAD THEIR CHAIN CONSPIRATOR REDWOOD  
2 CITY/COUNTY SHERIFF AGENTS WAITING FOR ME IN THE R & R RECEIVING AND  
3 RELEASE BUILDING FOR AN ALLEGED 3-YEAR OLD TRAFFIC TICKET MATTER  
4 I HAD ALREADY ADJUDICATED PURSUANT TO CALIFORNIA PENAL CODE §1381.  
5 THIS OVERT ACT WAS INTENDED TO ALLOW RESPONDENTS TO CONVERT MY  
6 LEGAL RECORDS AND PENDING LOWER COURT ORDERS BY CONSPIRACY AND  
7 FURTHERANCE OF CONSPIRACY TO VIOLATE MY STATUTORY AND CONSTITUTIONAL  
8 RIGHT OF ACCESS TO THE COURTS AND TO DENY ME DUE PROCESS AND  
9 EQUAL PROTECTION OF PROCEDURAL AND SUBSTANTIVE LAW AND TO DISTORT  
10 AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY.

11 ON SEPTEMBER 4, 1992 I WAS ENROLLED AND ATTENDING CLASSES  
12 FULL-TIME AT SAN JOSE STATE UNIVERSITY AND KNEW NOTHING OF  
13 THE JUNE 11, 1992 USCA9 No. 92-15341 HABEAS COURT ORDER.

14 ON SEPTEMBER 18, 1992 MY PETITION FOR REVIEW IN MY DIRECT  
15 APPEAL CAADG No. H007751, SUPERIOR COURT OF SANTA CLARA COUNTY  
16 No. 138120 WAS FILED IN THE CALIFORNIA SUPREME COURT CRYPTICALLY  
17 NUMBERED S028858: LORENZO ARTEAGA v. PETE WILSON, et al.,  
18 CAADG Nos. H010082(7.29.92), H010095(8.6.92), H007751, H009739(-92)

19 THE DISMISSAL FOR FAILURE TO PROSECUTE USCA9 No. 92-15341 HABEAS  
20 CORPUS PROCEEDING WAS NOT CAUSED BY ME BUT BY RESPONDENTS PETE  
21 WILSON, DANIEL E. LUNDGREN, et al.,\* IN CONSPIRACY AND IN FURTHERANCE OF  
22 CONSPIRACY ALLEGED BY SHELDON PORTMAN, FORMER PUBLIC DEFENDER OF  
23 SANTA CLARA COUNTY IN PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993)

24 BUT UNLIKE PORTMAN WHO THE NINTH CIRCUIT FOUND HAD NO STANDING  
25 TO RAISE THE LEGAL ISSUES HE BROUGHT ON BEHALF OF HIS CLIENTS OR  
26 FORMER CLIENTS, I AM RAISING THE EXACT SAME LEGAL ISSUES AND  
27 I DO HAVE STANDING AND ARTICLE III JURISDICTION AS I AM RAISING  
28 THESE SAME CLAIMS AND ISSUES AS A PRO SE DEFENDANT OUT OF SANTA CLARA

\* AS THEY HAVE EXTENDED THEIR CONSPIRACY TO THE PRESENT TIME TO DEFAULT  
AND IRREPARABLY PREJUDICE ALL OF MY PENDING LITIGATION ON DIRECT APPEAL  
AND HABEAS CORPUS, INCLUDING U.S. No 96-9613, USCA9 No. 97-16705, et al.

1 COUNTY WHO WAS A FORMER CLIENT ON WHOSE BEHALF MR. PORTMAN  
2 BROUGHT HIS FEDERAL CONSTITUTIONAL CLAIMS. MOREOVER, UNLIKE  
3 PORTMAN v. COUNTY OF SANTA CLARA WHERE THE NINTH CIRCUIT  
4 FOUND THAT HIS CLAIMS WERE NOT "RIPE FOR REVIEW" MY SAME  
5 FEDERAL STATUTORY AND CONSTITUTIONAL CLAIMS ARE RIFE FOR REVIEW  
6 AND THE NINTH CIRCUIT, TENTH CIRCUIT, THIRD CIRCUIT AND FIRST  
7 CIRCUIT COURT OF APPEAL CONFLICTS LEFT UNRESOLVED SINCE 1993  
8 SHOULD NOW BE RESOLVED ON DIRECT APPEAL IN THE INTERESTS OF JUSTICE.

9 ON DECEMBER 4, 1992 AFTER RESPONDENTS SANTA CLARA COUNTY,  
10 et al., FORCED ME TO DEFAULT ON USCA9 HABEAS CORPUS PROCEEDING  
11 No. 92-15341, D.C. # CV-91-2534-RFP BY CONSPIRACY AND OVERT  
12 ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE  
13 PROCESS OF LAW BY DELIBERATELY CONSPIRING WITH STATE OFFICIALS  
14 AND FORMER STATE OFFICIALS TO WITHHOLD AND TO REMOVE ALL OF MY  
15 PENDING LEGAL RECORDS (AS CONTINUES TO THE PRESENT TIME) AND TO  
16 WITHHOLD MY LEGAL MAIL SINCE MY ALLEGED PAROLE RELEASE ON  
17 AUGUST 6, 1992. RESPONDENTS EFFECTED THE OBJECT OF THEIR  
18 CONSPIRACY BY RE-ARRESTING ME WITHOUT JUST, OR LEGAL OR  
19 PROBABLE CAUSE AND THEY REINSTATED A DEFUNCT STATUTORY AND  
20 CONSTITUTIONALLY TIME-BARRED RES JUDGATA CRIMINAL COMPLAINT  
21 THEY HAD MALICIOUSLY FILED WITHOUT REASONABLE OR PROBABLE  
22 CAUSE ON APRIL 27, 1984. ORNELAS v. U.S. 116 Sct 1657 (1996)  
23 CHARMAN v. CALIFORNIA 17 LED 2d 705 (1967). MILLER v. PATE 17 LED 2d 690  
24 (1967). GARLOTTE v. FORDICE 115 Sct 1948 (1995). TOME v. U.S., 115 Sct  
25 (1995). BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) (en banc).  
26 PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993), BOVIE v.  
27 COLUMBIA 12 LED 2d 894 (1964), KYLES v. WHITLEY 115 Sct 1555 (1995).

28 THE LEGAL RECORD HAS BEEN DISTORTED AND CORRUPTED SINCE.

### CONCLUSION

FOR THE FOREGOING EXCEPTIONAL AND EXTRAORDINARY CIRCUMSTANCES THE PETITION FOR WRIT OF CERTIORARI AND/OR HABEAS CORPUS SHOULD BE GRANTED; GVR TO RELEASE AN INNOCENT PERSON FROM IMPRISONMENT OBTAINED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES. ALTERNATIVELY, THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT HABEAS CORPUS PROCEEDING DOCKET NUMBER 92-15341 MUST BE REINSTATED AND PETITIONER RELEASED ON HIS OWN RECOGNIZANCE PENDING SUCH FURTHER PROCEEDINGS AS THE COURT DEEMS JUST AND PROPER.

RESPECTFULLY SUBMITTED.

Lorenzo Arteaga  
LORENZO ARTEAGA

DATE: DECEMBER 14, 1997

# APPENDICES



CC#18

*Salisbury*  
PETE WILSON Governor

DEPARTMENT OF CORRECTIONS



Legal Processing Unit  
O. Box 942883  
Sacramento, CA 94283-0001  
(916) 324-0848

August 28, 1995

Honorable Gregory H. Ward  
Judge of the Superior Court  
County of Santa Clara  
115 Terraine Street  
San Jose, CA 95110

Re: Arteaga, Lorenzo  
CDC No.: E66703  
Case No.: 161396  
Date of Sentence: March 24, 1994

Dear Judge Ward:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Abstract of Judgment reflects Count 7, PC288(a), with a one-third consecutive non-violent box checked. As this is a violent offense, pursuant to PC667.5(c), we have recorded this offense as one-third consecutive violent. If this is not the Court's intent, please advise this office.

Please review your file to determine if a correction is required.

Sincerely,

DELORIS PASCHAL  
Correctional Case Records Manager

*Karen L. Huffman*

By: KAREN L. HUFFMAN  
Correctional Case Records Specialist

Attachment

cc: District Attorney  
Public Defender/Defense Counsel  
Inmate  
C-File

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

Case No: 161396 Case Name: People of the State of California vs  
Date: 3-24-94 Time: 9:21AM LORENZO ARTEAGA  
HONORABLE GREGORY H. WARD  
Deputy Clerk KATHY BORGES  
Court Reporter CINDY MOHR  
Deputy Sheriff GENE BOWDEN  
ALSO PRESENT: DIANA CUNNINGHAM, APO

RAY MENDOZA PRO PER  
Deputy District Attorney Counsel for Defendant

PROCEEDING: POST TRIAL MOTIONS AND FORMAL SENTENCING HEARING. CONTINUED FROM 3-23-94.

Police reports and probation report discussed/argued for the record. The probation report date of offense dates are changed from "Between January 1, 1988 and December 31, 1989" TO "Between and during September 1988 and October 1988". For the record as of today the credit for time served is 476 + 238 4019 + 714 total days. Defendant files in open court the following: "Superior Court Findings and Orders (Melinda Stewart, Trial Court Judge, Trial Court conducted March 3, 5, 8 & 23, 1989". Defendant argues his various post trial motions (16).

Court rules as follows:

1. Petition for Rehearing filed 1-31-94 - DENIED.
2. Motion for Judgment of Acquittal after Verdict filed 2-23-94 - DENIED.
3. Pre-sentencing Notice of Non-Statutory Motion to Dismiss filed 3-3-94 - DENIED.
4. Pre-sentencing statement and notice of request to consider dismissal of charges filed 1-24-94 - DENIED.
5. Pre-sentencing notice of motion to renew motion to set aside Information filed 3-3-94 - DENIED.
6. Motion to discover agreement with prosecution witness filed 1-24-94 - DENIED.
7. Motion for Franks v. Delaware evidentiary hearing filed 3-4-94 - DENIED.
8. De novo pre-sentencing notice of motion and motion to suppress filed 3-10-94 - DENIED.
9. Motion for new trial filed 2-2-94 - DENIED.
10. Request for written statement of decision filed 1-24-94 - DENIED.
11. Motion to set bail filed 3-3-94 - DENIED.
12. Motion for release on own recognizance filed 3-23-94 - DENIED.
13. Motion for stay of execution of sentencing filed 1-19-94 - DENIED.
14. Motion to strike report of probation officer filed 2-2-94 - DENIED.
15. Motion to obtain, mark and introduce documentary, relevant prison records, parolee file etc., filed 2-2-94 - FILED.
16. Petition for Rehearing on orders denying meaningful access to the Court filed 3-23-94 - DENIED.

Defendant's oral motion for a stay of execution is denied. Defendant sentenced. Probation denied. For Ct. 1 8 years S/P (U) with CTS 476 + 238 4019 714 total days. For counts 2 thru 6 8 years S/P each count C/C to Ct. 1. For Ct. 7 1/3 of mid term of 6 years = 2 years S/P consec. to Ct. 1. For counts 8 thru 11 8 years S/P each count C/C to Ct. 1. Total S/P = 10 years. RFS200, general restit. to Laura & Larell Arteaga. No visitation with Laura & Larell Arteaga pursuant to PC12022.05. Fine waived pursuant to PC290-J. Parole/appeal advised.

CRIMINAL MINUTES 001978  
001978

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

Case No. 161396 Case Name: People of the State of California vs  
 Date 3-16-94 Time 9:26AM LORENZO ARTEAGA  
 HONORABLE GREGORY H. WARD  
 Deputy Clerk KATHY BORGES  
 Court Reporter CINDY MOHR  
 Deputy Sheriff GENE BOWDEN  
 ADULT PROBATION OFFICER: MARVIN ZIETZKE  
 RAY MENDOZA PROPER  
 Deputy District Attorney Counsel for Defendant

PROCEEDING: FORMAL SENTENCING MOTION AND POST TRIAL MOTIONS.  
 Continued from 2-23-94.

Also present:

1. Gloria Curcio, Dept. of Corrections (San Francisco)
2. Agent McAuley, state parole, San Jose. He has brought defendant's parole file.
3. Raul Torralba, state parole, San Jose.
4. Kim Suttles, Dept. of Justice, Dep. Attorney General.

Gloria Curcio, custodian of records from Dept. of Correction, San Francisco, sworn and examined re: documents she has produced from central file of defendant.

Recess to allow DA and defendant time to review documents.  
 Court reconvenes. RE: subpoena to attorney general - court to examine documents in camera - deputy attorney general feels documents are not to be produced (even in camera) pursuant to Code provisions. Court will give defendant time to respond to motion to quash by the attorney general.

Order: subpoena to attorney general is ordered quashed.  
 The information which is the subject of the subpoena could have been subpoenaed by defendant earlier. The subject matter relates to trial issues rather than post trial motions. Court feels it is being done now for purposes of delay by the defendant. Subpena is hereby quashed. Kim Suttles is excused.

Defendant states for the record he has received copies from his central file at the Dept. of Corrections as he requested. Gloria Curcio is excused.

Witness, Rebecca Rojas, social worker for defendant's children from summer of 1989 to May 1990, is sworn and examined re: subpoena she received.

Witness, Raul Torralba, state parole officer, sworn and examined re: subpoena he received.

Witness, Maria Arteaga, mother of defendant, sworn and examined on behalf of defendant. Interpreter for witness is Sam Fabila.

Defendant has filed a motion to set bail in amount of \$1,000 (modified). Defendant argues motion. This motion will remain on calendar.

ORIGINAL

FILED

MAR 9 4 11 PM '94

COUNTY CLERK  
 SANTA CLARA COUNTY

1 DANIEL E. LUNGREN, Attorney General  
 of the State of California  
 2 JOSE R. GUERRERO, Supervising  
 Deputy Attorney General  
 3 KIM M. SETTLES, State Bar No. 116945  
 Deputy Attorney General  
 4 2101 Webster St., 12th Flr.  
 Oakland, California 94612-3049  
 5 Telephone: (510) 286-4144

6 Attorneys for Department of Justice

7  
 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 FOR THE COUNTY OF SANTA CLARA

10  
 11 THE PEOPLE OF THE STATE OF ) No. 161396  
 CALIFORNIA, )  
 12 Plaintiff, ) NOTICE OF MOTION AND MOTION  
 13 ) TO QUASH SUBPOENA  
 14 v. )  
 15 LORENZO ARTEAGA, ) Date: March 16, 1994  
 16 Defendant. ) Time: 9:00 a.m.  
 17 ) Sept: 47

18 NOTICE IS HEREBY GIVEN that on March 16, 1994, at  
 19 9:00 a.m., or as soon thereafter as the matter can be heard, in  
 20 the courtroom of Superior Court of Santa Clara County, San Jose,  
 21 California, the Department of Justice will move to quash the  
 22 subpoena duces tecum heretofore issued and purportedly requiring  
 23 child abuse report records and will move for an oral order  
 24 shortening the time in which said motion to quash may be heard.  
 25 Said motion for an order shortening time will be made  
 26 on the ground that the date of subpoena service allowed  
 27 insufficient time to give the notice otherwise required by law.



1 Said motion to quash will be made on the ground that  
2 the Department of Justice Child Abuse Report Index is not subject  
3 to subpoena in this case because:

4 1. The California Department of Justice is not  
5 required to furnish information contained in its child abuse  
6 files.

7 This motion will be based on this notice, the  
8 Memorandum of Points and Authorities served and filed herewith,  
9 the pleadings, records, and files in the above-entitled action,  
10 and such oral and documentary evidence as may be presented at the  
11 hearing in this motion.

12 Dated: March 9, 1994

13 DANIEL E. LUNGREN, Attorney General  
14 of the State of California  
15 JOSE R. GUERRERO, Supervising  
16 Deputy Attorney General

17 *Kim M. Settles*  
18 KIM M. SETTLES  
19 Deputy Attorney General

20 Attorneys for Department of Justice  
21  
22  
23  
24  
25  
26  
27

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I

3 Mar 9 4 11 PM '94

4 DEFENDANT IS NOT ENTITLED TO INFORMATION IN  
5 THE CHILD ABUSE FILES OF THE CALIFORNIA  
6 DEPARTMENT OF JUSTICE MAINTAINED PURSUANT TO  
7 PENAL CODE SECTION 11170

8 The Child Abuse Reporting Law is contained in section  
9 11165 through 11174 of the Penal Code. Child abuse includes "a  
10 physical injury which is inflicted by other than accidental  
11 means" on a child under the age of 18 by another person. This  
12 type of child abuse may take the forms of sexual assault,  
13 neglect, willful cruelty or unjustifiable punishment, corporal  
14 punishment or injury, or abuse in out-of-home care. (Penal Code,  
15 §§ 1165(b) - (f).) Certain persons are required to report child  
16 abuse if, in their professional capacities or within the scope of  
17 their employment, they have knowledge of or observe a child who  
18 they know or have reason to suspect has been a victim of such  
19 abuse. (Penal Code, § 11166(a).) These persons belong to  
20 defined categories, specifically, child care custodians, medical  
21 practitioners, nonmedical practitioners and child protective  
22 agency employees. (Penal Code, §§ 11165(h) - (k).) Any such  
23 person who fails to report an instance of child abuse which he or  
24 she knows to exist, or reasonably should know to exist, is guilty  
25 of a misdemeanor. (Penal Code, § 11172(b).)

26 All persons making reports are protected from civil or  
27 criminal liability. (Penal Code, § 11172(a).) The identities of  
persons who report are confidential. (Penal Code, § 11167(c).)

1 The written reports required by Penal Code sections  
2 11166(a) and 11166(f) must be submitted on forms adopted by the  
3 Department of Justice and distributed by child protective  
4 agencies. (Penal Code, § 11168.) A child protective agency must  
5 forward to the Department of Justice a "preliminary report" in  
6 writing of every case of known or suspected child abuse which it  
7 investigates, other than the "general neglect" cases. (Penal  
8 Code, § 11169.) The Department of Justice shall maintain an  
9 index of all preliminary reports of child abuse submitted  
10 pursuant to section 11169. (Penal Code, § 11170.)

11 The Child Abuse Reporting Law, in Penal Code section  
12 11170 requires the Dept. of Justice to furnish relevant  
13 information from its child abuse files to a child protective  
14 agency submitting a report or to a district attorney. These are  
15 the only agencies having rights of access to this information.  
16 65 Ops. Atty.Gen. 335, 6-1-82.

17 Furthermore, the compilation of child abuse preliminary  
18 reports represents an incursion into the privacy of a child and  
19 those responsible for the child. They may also invade the  
20 privacy of those compelled to make reports. Nevertheless, the  
21 information is collected and used to assure the protection of  
22 children within the justice system. (See, Central Valley Chap.  
23 7th Step Foundation v. Younger (1979) 95 Cal.App. 3d 212, 236.)  
24 Any incursion is justified by the state's compelling interest in  
25 the child's welfare and safety. (Welfare and Institutions Code,  
26 §§ 10101(c), 16306, 18275, 18290, and 18950.)  
27

4. L 001927

# CONCLUSION

1 The California Department of Justice must provide  
2 information in its child abuse files to a child protective agency  
3 submitting a report, or to a district attorney who has requested  
4 notification of a suspected child abuse case. The Department is  
5 not obligated to furnish this information to other persons or  
6 agencies.  
7

8 Dated: March 9, 1994

9 DANIEL E. LUNGREN, Attorney General  
10 of the State of California  
11 JOSE R. GUERRERO, Supervising  
12 Deputy Attorney General

13 *Kim M. Settles*  
14 KIM M. SETTLES  
15 Deputy Attorney General

16 Attorneys for Department of Justice  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

5. L 001928



DECLARATION OF SERVICE

FILED

Case Name: PEOPLE v. LORENZO ARTEAGA

Mar 9 4 11 PM '94  
No.: 161396

I declare:

COUNTY CLERK  
SANTA CLARA COUNTY

I am employed in the County of Alameda, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 2101 Webster Street, 12th Floor, Oakland, California 94612.

On March 9, 1994, I served the attached

NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as follows:

Lorenzo Arteaga  
150 West Hedding Street  
San Jose, CA 95110

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on March 9, 1994 at Oakland, California.

D. COLLIER

*D. Collier*  
Signature

1928A

JUNE 4 1993  
Date

PEOPLE OF THE STATE OF CALIFORNIA  
Plaintiff

161396  
Case Number

-VS-

LORENZO ARTEAGA  
Defendant

2  
Page

The Court notes that items 7, 8, 9, 10, 11, 12 and 13 are not timely filed.

The Deputy District Attorney Does Not Object. The Court allows the defense argument on these issues.

Upon completion of argument, the Court rules on the motions.

Item 2 is denied without prejudice, matter is to be heard as a P.C. 402 Hearing by the trial department. Witnesses are released.

Item 1, Motions To Return Legal Documents, is denied.

Item 2, Evidentiary Hearing, is denied without prejudice.

Item 3, is denied.

Item 4, Discovery is granted as requested. Any other discovery is denied.

Item 5, Transcripts, is denied.

Item 6, Jeopardy has been denied previously and by this court this day.

Item 7, material witness, is denied.

Item 8, Rehearing, is denied.

Item 9, Judicial Notice, is denied without prejudice, to be heard by the trial department.

Item 10, Motion to Dismiss Re: Material Witness, is denied.

Item 11, P.C. 995, Legal Commitment, is denied.

Item 12, P.C. 1387, is denied, having been previously denied.

Item 13, Motion to dismiss, is denied, having been previously denied.

Motion Re: Contempt Re: legal papers is found to be not properly serviced and is ordered off calendar. The court allows the refiling of this motion only.

The Court notes all Pre-Trial Motions have been heard. Further motions will be denied hearing.

The Court notes that the proper forum for further hearing on these issues is the Sixth District Appellate Court.

This Hearing is adjourned.

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga  
E-66703, A3-206L  
P.O. Box 1030  
Soledad, CA 93960

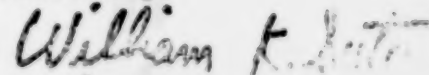
Re: Lorenzo Arteaga  
v. Santa Clara Department of Family and  
Children's Services  
No. 96-9196

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga  
E-66703, A3-206L  
P.O. Box 1030  
Soledad, CA 93960


Re: Lorenzo Arteaga  
v. California  
No. 96-9328

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

  
William K. Suter, Clerk



SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga  
E-66703, A3-206L  
P.O. Box 1030  
Soledad, CA 93960

Re: Lorenzo Arteaga  
v. California  
No. 96-9329

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

*William K. Suter*  
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga  
E-66703, A3-206L  
P.O. Box 1030  
Soledad, CA 93960

Re: Lorenzo Arteaga  
v. California  
No. 96-9309

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

*William K. Suter*  
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

June 16, 1997

Mr. Lorenzo Arteaga  
E-66703  
P.O. Box 1050  
Soledad, CA 93960

Re: Lorenzo Arteaga  
v. United States Court of Appeals for the Ninth  
Circuit  
No. 96-8700

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

*William K. Suter*  
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

May 12, 1997

Mr. Lorenzo Arteaga  
E66703, A3-206L  
P.O. Box 1050  
Soledad, CA 93960

Re: Lorenzo Arteaga  
v. Don Eill, Warden  
No. 96-8141

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

*William K. Suter*  
William K. Suter, Clerk



SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

October 20, 1997

Mr. Lorenzo Arteaga  
E-66703  
P.O. Box 1030  
Soledad, CA 93960

Re: Lorenzo Arteaga  
v. United States Court of Appeals for the Ninth  
Circuit  
No. 97-5677

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

*William K. Suter*  
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga  
E-66703  
P.O. Box 1030  
Soledad, CA 93960

Re: Lorenzo Arteaga  
v. United States Court of Appeals for the Ninth  
Circuit  
No. 96-9113

Dear Mr. Arteaga:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

*William K. Suter*  
William K. Suter, Clerk

LORENZO ARTEAGA  
E66703; PO BOX 1050  
Soledad, CA 93960

Pro se: Title 28 USCS section 1654, 1st, 4th, 5th, 6th, 8th, 9th, 13th,  
and 14th Amendments, United States Constitution, et al.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA

In behalf of:	)	Petition:
LARELLE MICHELLE ARTEAGA	)	J098982
Birthdate May 4, 1980	)	J099981
	)	
	)	NOTICE OF APPEAL OF ORDER
	)	FILED SEPTEMBER 6, 1996

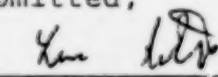
NOTICE IS HEREBY GIVEN that father, LORENZO ARTEAGA, hereby  
appeals from the order filed September 6, 1996 in the above-entitled  
action(s) to the Court of Appeal for the State of California,  
Sixth Appellate District and from all orders/judgments therein  
entered affecting his or his child(ren)s substantial civil,  
statutory or constitutional rights; the notices of appeal filed  
in December 1988 and subsequent thereto, docketed as H005398, H006074,  
H005398, in the Sixth Appellate District Court of Appeal are hereby  
incorporated and referenced in full for all purposes and in support  
of the fact that California Penal Code 1202.025 specifically cited.  
in said order is a non-existent statute, and moreover, even if it  
were existent, it was non-extant at the time of the commencement of  
these proceedings in violation of Article I, section 10, United  
States Constitution and violation of Article I, section 9, California  
Constitution, ex post facto and inapplicable to the parent herein.

Additionally, appellant parent, LORENZO ARTEAGA, appeals from  
said order on the grounds that one RONALD T. LISK has heretofore  
been previously recused from hearing on matters relating to  
parent LORENZO ARTEAGA in re derivative/related docket number  
161396, as evidenced by the attached Exhibit marked "Court's  
Exhibit No. I, Exh. # 161396, admitted February 26, 1993 at  
Clerk's transcript page 277, and CT 278, incorporated herein in  
full as evidence that said RONALD T. LISK had or has no authority  
to render the order herein appealed; alternatively, that said  
order must be reversed, vacated, stricken and the matter voided  
and nullified as baseless in whole or in part.

And appeals from the whole thereof.

Respectfully submitted,

Dated: September 18, 1996.

  
LORENZO ARTEAGA  
Father, Pro se



*Court's Exhibit*  
No. I Exh # 16396  
☐ Identification ☒ Admitted  
PEOPLE vs Artega  
Date 2/24/93 Clerk [Signature]  
000277

LORENZO ARTEAGA  
No. 9252622  
150 West Hedding Street  
San Jose, CA 95110

In Propria Persona: Attorney of Record for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

THE PEOPLE,	)	CASE NO. 161396
	)	
Plaintiff,	)	MOTION TO RECUSE AND
	)	AFFIDAVIT PURSUANT TO
vs.	)	CCP SECTION 170.1
	)	
LORENZO ARTEAGA,	)	
	)	
Defendant.	)	

STATE OF CALIFORNIA	)	ss.	<u>CHALLENGE FOR CAUSE</u>
COUNTY OF SANTA CLARA	)		

LORENZO ARTEAGA, being duly sworn, deposes and says:

That I am the attorney of record for defendant proceeding in propria persona and pro se pursuant to Title 28 U.S.C.A. section 1654 and pursuant to orders of the municipal and superior courts of Santa Clara County.

That RONALD L. LISK, the judge, court commissioner, or referee before whom the trial of the aforesaid action is pending or to whom the same is now assigned in the law and motion department of said court, is prejudiced against the defendant individually, and against defendant as his own attorney pro se/pro per or the interest of the defendant or his self as attorney pro se/pro per so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before the judge, court commissioner, or referee. The transcript record of the proceedings conducted on January 15, 1993, contain additional facts and evidence in support of this challenge and in support of a challenge for cause, pursuant to CCP section 170.1, et seq. The same record of proceedings is hereby incorporated by reference as if fully set forth at length for all appellate purposes. LORENZO ARTEAGA: [Signature]

FEBRUARY SUBSCRIBED AND SWORN to before me this 26th day of FEBRUARY, 1993.

(Clerk or notary public or other officer administering oath)  
000278

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER  
CLERK OF THE COURT

August 14, 1997

AREA CODE 202  
479-3011

Lorenzo Arteaga  
E-66703, A3-2061  
P.O. Box 1030  
Soledad, CA 93960

RE: Arteaga v. Superior Court of Santa Clara  
County, California

Dear Mr. Arteaga:

The above-entitled petition for writ of certiorari was  
postmarked July 16, 1997 and received July 21, 1997. The papers are  
returned for the following reason(s):

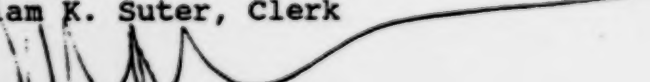
The appendix to the petition does not contain the following  
documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the Sixth  
Appellate District in case No. H016397.

Please correct and resubmit as soon as possible. Unless the  
petition is received by this Office in corrected form within 60  
days of the date of this letter, the petition will not be  
filed. Rule 14.5.

A copy of the corrected petition must be served on opposing  
counsel.

Handwritten copies of orders cannot be accepted.

Sincerely,  
William K. Suter, Clerk  
By: 

M. Blalock  
(202) 479-3023

Enclosures

cc: Daniel E. Lungren

11

1 the children, and would they please go arrest him because I  
2 knew he had a warrant.

3 Q Okay. So, while your grandmother spoke to the children,  
4 you then used another phone to call the San Antonio Police  
5 Department?

6 A Yes.

7 Q Okay. And were the children picked up, to your  
8 knowledge?

9 A Yes, they were.

10 Q Okay. And was Mr. Arteaga arrested?

11 A Yes, he was.

12 Q Okay. When did you next see the children?

13 A That evening. I flew down to San Antonio and picked  
14 them up from the children's shelter.

15 Q Okay. And did you return with the children to  
16 California?

17 A Yes. We caught a Greyhound Bus back.

18 Q Okay. Now, in between the period of April 8th, 1984 and  
19 May 1st, 1984, had you had any contact from Mr. Arteaga?

20 A No.

21 Q Okay. Did he attempt to call you and tell you where the  
22 children were?

23 A No.

24 Q Okay. Did you give him permission on April 8th or any  
25 time before that, of 1984, did you give him permission to  
26 remove the children from the County of Santa Clara or the  
27 State of California?

28 A No.



Q And more specifically, did you give him permission to take the children to San Antonio, Texas?

A No.

Q And had there been any court order, to your knowledge, which altered in any fashion the custody situation as it existed spelled out in the order that's been marked as People's 1 for identification?

A No.

MR. COLE: I have no other questions at this point of the witness and just would like to indicate for the record, the order that we are speaking of is an order from the Superior Court of California, County of Santa Clara, with a Case Number 505627. It is an order prohibiting domestic violence and signed by the Honorable Leonard Edwards, April 17th, 1984.

But it refers back to a hearing, as indicated in the document itself, a hearing from August 31st, 1982 before the Honorable Reed Ambler.

THE COURT: Do you wish to just move that into evidence?

MR. COLE: Yes.

THE COURT: Any objection other than --

THE DEFENDANT: I don't object, Your Honor. No objection.

THE COURT: It's admitted.

(Whereupon, People's Exhibit Number 1 was admitted into evidence.)

MR. COLE: Just for the record at this point, Your

Honor, and I don't know whether this will be the appropriate time, we would like to indicate for the purposes of the Statute of Limitation under Section 803 of the Penal Code Section D, that for the purposes, though the Defendant was arrested back in 1983 -- 1984, that he voluntarily absented himself from the State of California, and therefore, for the purposes of the Statute of Limitations, he was not available for purposes of prosecution, even though we attempted to extradite him from the State of Texas.

It's my understanding that he's also in custody -- and I don't know whether your file indicates that -- he is also in custody for two warrants from Santa Clara County also dating from 1984, having to do with 242 of the Penal Code, for which there were bench warrants issued for his failure to appear.

And when he was arrested on our charge recently, he was also reincarcerated on those charges.

THE COURT: All right.

THE DEFENDANT: I would like to correct the record first.

THE COURT: All right.

THE DEFENDANT: First of all, Your Honor, the Defendant did not voluntarily, willfully leave the county here.

Secondly, the District Attorney's department -- District Attorney is not up to date on the record. The alleged misdemeanor allegations which were simultaneously filed with the current case at bar reflected a purported resisting arrest that went back to 1983, which was formerly

1 A NO.

2 Q OKAY. NOW, DID YOU HAVE ANY IDEA WHERE THE CHILDREN  
3 WERE TAKNE?

4 A AT FIRST I DIDN'T. I FOUND OUT LATER -- IT TOOK ME  
5 ABOUT A MONTH TO FIND THEM AND THEY WERE FOUND IN SAN  
6 ANTONIO, TEXAS.

7 Q OK. WE'LL GET TO THAT IN A SECOND.

8 DID YOU REPORT THIS MATTER TO THE POLICE?

9 A YES. I DID.

10 Q WAS THIS ON OR ABOUT, I BELIEVE, APRIL 15TH, 1984?

11 A YES, YES.

12 Q OK. AND DID YOU COME TO THE DISTRICT ATTORNEY'S  
13 OFFICE FOR ASSISTANCE AFTER REPORTING THE MATTER TO THE  
14 POLICE?

15 A YES. I DID.

16 Q OKAY. WAS THAT ON OR ABOUT APRIL 24TH, 1984?

17 A YES.

18 Q OKAY. AND DID YOU HAPPEN TO SEE MR. KLIS, WHO IS SEATED  
19 TO MY RIGHT, TO YOUR LEFT, CONCERNING THE MATTER?

20 A YES. I DID.

21 Q OKAY. NOW, ON OR ABOUT MAY 1ST, 1984, DID YOU HAVE  
22 CONTACT WITH MR. ARTEAGA?

23 A BEFORE THAT DATE?

24 Q NO, ON THAT DATE.

25 A ON MAY 3RD YOU SAID?

26 Q YES.

27 A YES. I DID. I CALLED HIM AT HIS HOME. I GUESS IT WAS  
28 HIS HOME, AND --

1 Q: WHERE WAS THAT CALL MADE TO?

2 A: IN SAN ANTONIO, TEXAS.

3 Q DID YOU SPEAK TO HIM PERSONALLY?

4 A YES. I DID.

5 THE COURT: WHEN WAS THIS, AGAIN, PLEASE?

6 MR. COLE: MAY 1ST, 1984, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 Q (BY MR. COLE) AND YOU MADE PHONE CONTACT WITH HIM AND  
9 SPOKE TO HIM?

10 A YES.

11 Q OKAY. DID YOU ALSO SPEAK TO YOUR CHILDREN?

12 A YES.

13 Q OKAY. AND I TAKE IT SINCE YOU SPOKE TO THE CHILDREN  
14 ALSO, THEY WERE PRESENT THERE WITH HIM IN SAN ANTONIO?

15 A YES. THAT'S WHY I ASKED TO SPEAK TO THEM TO MAKE SURE  
16 THEY WERE THERE.

17 Q DID ANYONE ELSE SPEAK TO THE CHILDREN ON THAT DATE?

18 A YES.

19 Q WHO WAS THAT?

20 A MY GRANDMOTHER.

21 Q OKAY. AND WHAT'S HER NAME?

22 A HELENA HESS.

23 Q COULD YOU SPELL THAT?

24 A H-e-s-s.

25 Q AND WHILE YOUR GRANDMOTHER SPOKE TO THE CHILDREN, WHAT  
26 DID YOU DO?

27 A I WENT DOWNSTAIRS AND CALLED THE SAN ANTONIO POLICE  
28 DEPARTMENT AND TOLD THEM THAT I KNEW THAT HE WAS THERE WITH



MUNICIPAL COURT OF CALIFORNIA  
SANTA CLARA COUNTY JUDICIAL DISTRICT  
SAN JOSE FACILITY

AMENDED COMPLAINT  
To correct Name JK

COMPLAINT

CPC 278

FILED

APR 30 1984

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

LORENZO ARTEAGA (1/23/54)  
915 South Nevces, San Antonio TX

Defendant(s).

I, the undersigned, hereby certify, on information and belief  
declare:

1000

That in the County of Santa Clara, State of California, on or  
about the 8th day of April, 1984, a FELONY/MISDEMEANOR  
violation, to wit: a violation of CALIFORNIA  
PENAL CODE SECTION 278 (CHILD STEALING)

was committed by the above-named defendant(s), as follows, to wit:  
The said defendant(s) not having a right of custody, did maliciously  
take, entice away, detain and conceal a minor child, to wit:  
LAURA ARTEAGA, of the age of 3 years, AND LAVELLE ARTEAGA of the  
age of 2 years, with intent to detain and conceal such child from  
a person having lawful charge of such child, to wit: HELEN WILLMAN.

Complainant therefore prays that the said defendant(s) may be  
dealt with according to law.

I certify under penalty of perjury that the foregoing is true and  
correct. Executed on April 30, 1984 at San Jose, California.

Warrant received for service by:

on 4/30/84  
Cash or Bond \$25.00

JUDGE OF THE MUNICIPAL COURT  
Kevin J. Murphy

Joe Klis  
JOE KLIS  
DAO 29907412  
PCC/D124/D/jjg

4809 REV 6/79

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA

FILMED

FILED

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

November 22, 1988 NOV 22 1988

GRAC  
County Clerk  
Santa Clara County

Against

LORENZO ARTEAGA

CEN 8820861

Defendant(s).

INFORMATION NO. 125303

COUNT ONE

The District Attorney of the County of Santa Clara, State of  
California, hereby accuses LORENZO ARTEAGA of a FELONY, to wit: a  
violation of CALIFORNIA PENAL CODE SECTION 278 (CHILD STEALING), in  
that on or about the 8th day of April, 1984, in the County of Santa  
Clara, State of California, the said defendant(s) not having a right  
of custody, did maliciously take, detain, conceal and entice away, a  
minor child, to wit: LAURA ARTEAGA, of the age of 3 YEARS, and  
LAVELLE ARTEAGA of the age of 2 YEARS, with intent to detain and  
conceal that child from a person having lawful charge of such child,  
to wit: HELEN WILLMAN.

LEO HIMMELSDACH  
District Attorney

27916

gg SJ/DAO CB447195

51j (16)

By PAUL C. COLE/D124  
Deputy District Attorney

FILED  
JUL 24 1990

GRACE K. YAMAMOTO  
County Clerk  
Santa Clara County  
BY \_\_\_\_\_ DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

against

LORENZO ARTEAGA,

Defendant.

INFORMATION  
No. 120692  
138/20

VERDICT

COUNT ONE

We, the Jury in the above titled case, find the Defendant,  
LORENZO ARTEAGA, Guilty of child stealing, a  
Guilty/Not Guilty  
felony violation of Penal Code Section 278, on or about and  
between the March 6, 1990 and April 14, 1990.

COUNT TWO

We, the Jury in the above titled case, find the Defendant,  
LORENZO ARTEAGA, Guilty of false imprisonment, a  
Guilty/Not Guilty  
felony violation of Penal Code Section 236-237, on or about and  
between the March 6, 1990 and April 14, 1990.

- 1 -

000481

COUNT THREE

We, the Jury in the above titled case, find the Defendant,  
LORENZO ARTEAGA, Guilty of attempted child  
Guilty/Not Guilty  
stealing, a felony violation of Penal Code Section 664-278, on or  
about and between the March 6, 1990 and April 14, 1990.

COUNT FOUR

We, the Jury in the above titled case, find the Defendant,  
LORENZO ARTEAGA, Guilty of violation of child  
Guilty/Not Guilty  
custody order, a felony violation of Penal Code Section 278.5, on  
or about and between the March 6, 1990 and April 14, 1990.

COUNT FIVE

We, the Jury in the above titled case, find the Defendant,  
LORENZO ARTEAGA, Guilty of attempted violation of  
Guilty/Not Guilty  
child custody order, a felony violation of Penal Code Section  
664-278.5, on or about and between the March 6, 1990 and April  
14, 1990.

Dated: July 24, 1990

Joseph J. Bauer  
FOREPERSON

- 2 -

000482



# SIXTH DISTRICT APPELLATE PROGRAM

A Non-Profit Corporation

100 N. Winchester Blvd., Suite 310  
Santa Clara, CA 95050

(408) 241-6171 - Main  
(408) 241-2877 - Fax

Executive Director  
Michael A. Kresser

Law Office Manager  
Yolanda G. Edwards

Senior Staff Attorneys  
Deanna F. Lamb  
Dallas Sacher

Staff Attorneys  
Shoko Tanida Michael  
Joshua Weinstein  
Lori A. Quick

August 20, 1996

Lorenzo Arteaga  
E-66703  
P. O. Box 1050  
Soledad, CA 93960

Dear Mr. Arteaga:

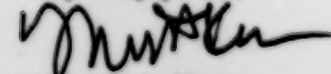
I am responding to your letter dated August 12, which I received August 15.

I enclose transcripts from the July 28, 1993 and August 4, 1993 hearings, as you requested.

The record was not augmented to include any post judgment motions or rulings in 1994 and 1995. Such motions or rulings are generally not cognizable in the appeal from the judgment, but must be separately appealed. It is unlikely the Court of Appeal would augment to include post judgment motions and rulings, absent a showing of how it might affect the appeal from the judgment. Of course, you may move the court to augment, and see what they do.

You also ask why I did not inform you of an ex parte order obtained by the District Attorney on July 5, 1990 to inspect the juvenile court dependency records concerning Laura and Larelle. The answer is because I was unaware of such order. An ex parte order is one in which the other parties are not noticed. I was never served with any notice, and was unaware the order was obtained.

Very truly yours,



Michael A. Kresser  
Executive Director

MAK:sy

Enclosure

Sixth Appellate District No. H005398  
S020235

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

In Re LARELLE A., A Person Coming Under the Juvenile Court Law

PEDRO SILVA, As Chief Probation Officer, Etc., Respondent

SUPREME COURT  
**FILED**

AUG 12 1992

LORENZO A., Appellant

Robert Wandruff Clerk

DEPUTY

Appellant's petition for review DENIED.

LUCAS

Chief Justice

PROOF OF SERVICE BY MAIL

(C.C.P. 1013(a), 2015.5)

NAME OF CASE OR CAUSE LORENZO ARTEAGA v. USCAG

NUMBER OF CASE 97-6749

I, LORENZO ARTEAGA am a resident of the State  
of California, County of KING. I am over the age of 18  
years and am a party<sup>PRO SE</sup> to the herein entitled action. My address is as follows:

E-66703, 4001 KING AVENUE, CARCERAN, CA 93212

On the date of 12-14-97, I caused to be served the fore-  
going document(s) REPLY BRIEF

on the parties listed below by placing a true copy thereof, enclosed in a sealed en-  
velope with postage thereof fully prepaid, in the custody and control of a CDC cor-  
rectional Officer\* designated to collect mail for deposit with the United States  
Mail at

addressed as follows:

(1) SETH P. WAXMAN  
SOLICITOR GENERAL OF THE U.S.  
ROOM 5614  
DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVE. N.W.  
WASHINGTON, DC 20530-0001

(2) PETE WILSON

(3) DANIEL E. LUNDEREN

(4)

There is regular delivery service by the U.S. Postal Service between the  
place of mailing and the places so addressed.

I declare under penalty of perjury under the laws of the State of Cali-  
fornia that the foregoing is true and correct.

Executed this 14th day of DECEMBER, 19 97, at KING COUNTY  
CALIFORNIA

\* The signature of CDC Correctional Officer is affixed to the rear of the envelopes  
with date and time of collection.

Signature K. Art

CDC #

Housing



Per Curiam

**SUPREME COURT OF THE UNITED STATES**

**LORENZO ARTEAGA v. UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT**

**LORENZO ARTEAGA, PETITIONER v. PETE WILSON,  
GOVERNOR OF CALIFORNIA, ET AL**

**ON MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

No. 97-6749. Decided February 23, 1998

**PER CURIAM.**

*Pro se* petitioner Lorenzo Arteaga seeks leave to proceed *in forma pauperis* to file a petition for a writ of certiorari to the Ninth Circuit. The Ninth Circuit affirmed the District Court's dismissal with prejudice of petitioner's complaint for failure to amend his complaints pursuant to the District Court's instructions.

We deny petitioner leave to proceed *in forma pauperis*. He is allowed until March 16, 1998, within which to pay the docketing fee required by Rule 38 and to submit his petition in compliance with Rule 33.1. For the reasons discussed below, we also direct the Clerk of the Court not to accept any further petitions for certiorari in noncriminal matters from petitioner unless he first pays the docketing fee required by Rule 38 and submits his petition in compliance with Rule 33.1.

Petitioner has filed 20 petitions with this Court, 16 in the past two Terms. All have been denied without recorded dissent. In 1997, we invoked Rule 39.8 to deny petitioner *in forma pauperis* status. *Arteaga v. California*, 522 U. S. \_\_\_\_ (1997). Petitioner nevertheless has filed another frivolous petition with this Court. In his petition and supplemental petition, Arteaga appears to assert that he is an innocent person falsely imprisoned and to allege numerous constitutional violations and conspiracies among prison, court, and government officials. He does

2        ARTEAGA v. UNITED STATES COURT OF APPEALS  
             FOR NINTH CIRCUIT  
             STEVENS, J., dissenting

not address the reasons for the District Court's dismissal.

Accordingly, we enter this order barring prospective *in forma pauperis* filings by petitioner in noncriminal cases for the reasons discussed in *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992).

*It is so ordered.*

JUSTICE STEVENS, dissenting.

For reasons previously stated, see *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992), and cases cited, I respectfully dissent.